

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
February 16, 1999

Senate called to order by Joy J. O'Brien, Secretary of the Senate of the 119th Legislature.

The Senator from Knox, Senator **PINGREE**, was appointed to serve as President Pro-Tem for the 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 Bruce Felt of Augusta Baptist Church in Augusta.

REVEREND FELT: Let us pray. Our Father in heaven, we thank You for this Senate elected to serve the people of Maine. Grant to the leadership and each Senator sufficient knowledge to deal constructively with the issues before them. Give them sufficient wisdom to implement good decisions and may each have proper attitudes of consideration for those with different views, courtesy in speech, and, above all, reliance upon You to do the work for which each has been elected. Through Jesus our savior, Amen.

Pledge of Allegiance led by Senator Norman K. Ferguson, Jr. of Oxford County.

Doctor of the day, Laurel M. Coleman, M.D., Manchester.

Reading of the Journal of Thursday, February 11, 1999.

Off Record Remarks

Out of order, under suspension of the Rules, and under unanimous consent, on motion by Senator **RAND** of Cumberland, on behalf of Senator **PINGREE** of Knox, the following Joint Order:
S.O. 14

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of both Branches to be held in the Hall of the House at 3:30 in the afternoon for the purpose of extending to the Honorable Angus S. King, Jr., Governor of the State of Maine, an invitation to attend the Convention and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **RAND** to deliver the message to the House. The Sergeant-At-Arms escorted the Senator to the House.

Subsequently, the Senator from Cumberland, Senator **RAND** reported that she had delivered the message with which she was charged.

Senate at Ease.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Use Funds From the Sale of Utility Company Properties to Help Offset Ice Storm 1998 Expenses"
S.P. 325 L.D. 979

In Senate, February 4, 1999, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Amend the Laws Pertaining to Dangerous Dogs"
H.P. 847 L.D. 1181

Bill "An Act to Clarify the Governance of Soil and Water Conservation Districts"
H.P. 882 L.D. 1239

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 Establish the Maine School Technology Fund"
H.P. 877 L.D. 1234

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Historic Preservation"
H.P. 881 L.D. 1238

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 Relating to Automobile Rental Supplemental Liability Insurance"
H.P. 861 L.D. 1218

Bill "An Act to Create a Single-payor System for Universal Health Care"
H.P. 884 L.D. 1241

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 Amend the Real Estate Brokerage Laws Regarding Property Disclosure"
H.P. 842 L.D. 1176

Bill "An Act to Amend the Qualifications of Weighmasters"
H.P. 848 L.D. 1182

Bill "An Act to Provide for Automated Restrooms"
H.P. 876 L.D. 1233

Come 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.

Bill "An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force"
H.P. 863 L.D. 1220

Bill "An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse Against a Minor"
H.P. 864 L.D. 1221

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 Regarding the Eligibility of a Citizen to Serve as a School Board Member"
H.P. 858 L.D. 1215

Bill "An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values"
H.P. 859 L.D. 1216

Bill "An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State"
H.P. 860 L.D. 1217

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 Require Additional Vaccines for Employees of Health Care Facilities"
H.P. 846 L.D. 1180

Bill "An Act to Amend the Site Evaluator Licensing Laws"
H.P. 853 L.D. 1210

Bill "An Act to Increase Payments to Foster Parents"
H.P. 871 L.D. 1228

Resolve, to Promote Community Mental Health Services
H.P. 872 L.D. 1229

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 Create a 2-year Moratorium on the "Bucks Only" Restriction Imposed on Deer Hunters"
H.P. 841 L.D. 1175

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act
H.P. 868 L.D. 1225

Bill "An Act Concerning Ownership of a Rafting Company"
H.P. 879 L.D. 1236

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 Regarding the Effective Date of Guardian Ad Litem Training"
H.P. 856 L.D. 1213

Bill "An Act to Clarify the Immunity for Charitable Directors, Officers and Volunteers"
H.P. 866 L.D. 1223

Bill "An Act Allowing Certain Exceptions to Jury Duty"
H.P. 873 L.D. 1230

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 Clarify Free-lance Labor in an Employer/Employee Relationship"
H.P. 875 L.D. 1232

Bill "An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations"
H.P. 880 L.D. 1237

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 Permit Wine to be Ordered through the Mail"
H.P. 854 L.D. 1211

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions
H.P. 878 L.D. 1235

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 Regarding Elver Fishing"
H.P. 839 L.D. 1173

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 Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill"
H.P. 852 L.D. 1209

Resolve, to Replace Reformulated Gasoline and Require an Alternative Reid Vapor Pressure/Low-sulfur Substitute for the State
H.P. 855 L.D. 1212

Come 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 Concerning Public Postings by Political Parties"
H.P. 844 L.D. 1178

Bill "An Act to Change the Budget Approval Procedures for Somerset County"
H.P. 865 L.D. 1222

Resolve, Regarding State Mandates Imposed Before Approval of the Constitutional Amendment Governing State Mandates
H.P. 870 L.D. 1227

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 Revise the Business Equipment Property Tax Reimbursement Program"
H.P. 840 L.D. 1174

Bill "An Act to Amend the Property Tax Exemption for Hospitals"
H.P. 843 L.D. 1177

Bill "An Act to Allow the Town of Cornville to Receive its 1997 Tree Growth Tax Reimbursement"
H.P. 867 L.D. 1224

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 Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products"
H.P. 845 L.D. 1179

Bill "An Act to Amend the Inspection Process for Motor Vehicles That Fail Inspection"
H.P. 850 L.D. 1184

Bill "An Act to Amend the Seat Belt Law Regarding the Enforcement of Penalties"
H.P. 869 L.D. 1226

Bill "An Act to Allow Special-use Access over Discontinued Municipal and County Roads"
H.P. 874 L.D. 1231

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 Authorizing the Release of Information to a Competitive Electricity Provider"
H.P. 857 L.D. 1214

Bill "An Act to Amend the Charter of the Mt. Blue Standard Water District"
H.P. 862 L.D. 1219

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.

**Pursuant to Statute
Department of Conservation**

The **Department of Conservation**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation (EMERGENCY)
H.P. 883 L.D. 1240

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study"
S.P. 430 L.D. 1267

Sponsored by Senator KIEFFER of Aroostook.
Cosponsored by Representative AHEARNE of Madawaska and Senators: CASSIDY of Washington, KILKELLY of Lincoln, NUTTING of Androscoggin, PARADIS of Aroostook, Representatives: DUNCAN of Presque Isle, KNEELAND of Easton, PIEH of Bremen, SHERMAN of Hodgdon.

Bill "An Act to Clarify the Authority of the Maine Milk Commission" (EMERGENCY)
S.P. 451 L.D. 1326

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative GOOLEY of Farmington and Senators: KIEFFER of Aroostook, MILLS of Somerset, Representatives: COWGER of Hallowell, GREEN of Monmouth, KNEELAND of Easton, PIEH of Bremen.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act to Simplify the Collection of Fees for the Maine Dairy Promotion Board and Maine Dairy Nutrition Council" (EMERGENCY)
S.P. 460 L.D. 1335

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative GREEN of Monmouth and Senator: MILLS of Somerset, Representatives: CAMERON of Rumford, COWGER of Hallowell, KNEELAND of Easton.
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 Regarding the Shooting of Domestic Animals"
S.P. 453 L.D. 1328

Sponsored by Senator KILKELLY of Lincoln.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"
S.P. 457 L.D. 1332

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative DUNLAP of Old Town and Senators: DAVIS of Piscataquis, KIEFFER of Aroostook.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

Bill "An Act to Implement the Recommendations of the Wage Fairness Task Force"
S.P. 438 L.D. 1275

Sponsored by President LAWRENCE of York.
Cosponsored by Representative BERRY of Livermore and Senators: BENNETT of Oxford, MITCHELL of Penobscot, PARADIS of Aroostook, Representatives: KANE of Saco, MAYO of Bath, POWERS of Rockport, SAXL of Portland, SNOWE-MELLO of Poland.

Bill "An Act to Appropriate Additional Funding for Court-appointed Counsel"
S.P. 442 L.D. 1317

Sponsored by President LAWRENCE of York.
Cosponsored by Speaker ROWE of Portland and Senators: CATHCART of Penobscot, RAND of Cumberland, Representatives: McALEVEY of Waterboro, PLOWMAN of Hampden, POVICH of Ellsworth, SHIAH of Bowdoinham, STEVENS of Orono, THOMPSON of Naples.

Bill "An Act to Increase Long-term Health Care Options"
S.P. 446 L.D. 1321

Sponsored by Senator PINGREE of Knox.
Cosponsored by Representative TOWNSEND of Portland and Senators: DAGGETT of Kennebec, MacKINNON of York, MICHAUD of Penobscot, Representatives: CLARK of Millinocket, NASS of Acton, O'BRIEN of Augusta, POWERS of Rockport, TUTTLE of Sanford.

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

Sent down for concurrence.

Bill "An Act Relating to Uninsured Vehicle Coverage"
S.P. 421 L.D. 1258

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Representative SAXL of Bangor and Senators: DOUGLASS of Androscoggin, SMALL of Sagadahoc, Representatives: PERRY of Bangor, SULLIVAN of Biddeford.

Bill "An Act to Ensure Affordable Access to Gynecological Services Provided by Nurse Practitioners"
S.P. 448 L.D. 1323

Sponsored by Senator PINGREE of Knox.
Cosponsored by Speaker ROWE of Portland and Senators: AMERO of Cumberland, BENOIT of Franklin, GOLDTHWAIT of Hancock, MURRAY of Penobscot, RAND of Cumberland, Representatives: GREEN of Monmouth, SHIAH of Bowdoinham, TESSIER of Fairfield.

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

Sent down for concurrence.

Bill "An Act to Offer Reciprocity Concerning Concealed Firearms Permits"
S.P. 423 L.D. 1260

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Representative CLARK of Millinocket and Senators: CASSIDY of Washington, KIEFFER of Aroostook, KILKELLY of Lincoln, Representatives: MACK of Standish, MARVIN of Cape Elizabeth, TRUE of Fryeburg, WHEELER of Bridgewater.

Bill "An Act to Create a Penalty for the Intentional Transmission of a Sexually Transmitted Disease"
S.P. 445 L.D. 1320

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative BUMPS of China.

Bill "An Act Concerning Corrections Employees"
S.P. 455 L.D. 1330

Sponsored by Senator PINGREE of Knox.
Cosponsored by Senators: CATHCART of Penobscot, RAND of Cumberland, Representatives: DESMOND of Mapleton, GOODWIN of Pembroke, POWERS of Rockport, SHIAH of Bowdoinham, SKOGLUND of St. George, VOLENIK of Brooklin.

Bill "An Act Concerning the Distribution of Certain Fines and Forfeitures"

S.P. 459 L.D. 1334

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act to Require the Training of School Personnel Who Administer Medications"

S.P. 424 L.D. 1261

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Senator: GOLDTHWAIT of Hancock,
Representative: BUCK of Yarmouth.

Bill "An Act to Ensure Fairness in Calculating the Income Factor in the School Funding Formula"

S.P. 426 L.D. 1263

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Representative DUNLAP of Old Town and
Representatives: BELANGER of Caribou, DESMOND of
Mapleton, SANBORN of Alton, STEVENS of Orono.

Bill "An Act to Ensure Freedom of Speech and Association on Campus"

S.P. 427 L.D. 1264

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Representative MACK of Standish, and
Senators BENNETT of Oxford, AMERO of Cumberland,
CATHCART of Penobscot, Representative BUCK of Yarmouth

Bill "An Act To Improve Indoor Air Quality in Schools"

S.P. 432 L.D. 1269

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative GAGNON of Waterville and
Representative: BERRY of Belmont.

Bill "An Act to Apply the Approval Procedures in Municipal Charters to Locally Funded School Construction Projects"

S.P. 454 L.D. 1329

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 Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program"

S.P. 433 L.D. 1270

Sponsored by Senator PARADIS of Aroostook.
Cosponsored by Senator: MITCHELL of Penobscot,
Representatives: BRAGDON of Bangor, FULLER of Manchester.
Submitted by the Department of Human Services pursuant to
Joint Rule 204.

Bill "An Act to Ensure the Availability of Home-based Care"

S.P. 447 L.D. 1322

Sponsored by Senator BERUBE of Androscoggin.
Cosponsored by Representative LOVETT of Scarborough and
Senators: PARADIS of Aroostook, PINGREE of Knox,
Representatives: BERRY of Livermore, MADORE of Augusta,
QUINT of Portland, SCHNEIDER of Durham, SNOWE-MELLO of
Poland, TESSIER of Fairfield.

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

Sent down for concurrence.

Bill "An Act to Eliminate the Need for a Foster Home License for Adoptive Parents"

S.P. 449 L.D. 1324

Sponsored by Senator MURRAY of Penobscot.
Cosponsored by Senators: MITCHELL of Penobscot, PARADIS
of Aroostook.

Bill "An Act to Provide Fairness to Victims of Medical Malpractice"

S.P. 450 L.D. 1325

Sponsored by President LAWRENCE of York.
Cosponsored by Representative THOMPSON of Naples and
Senators: FERGUSON of Oxford, MICHAUD of Penobscot,
Representatives: KANE of Saco, TRUE of Fryeburg.

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

Sent down for concurrence.

Bill "An Act to Increase the Minimum Wage in Maine"

S.P. 425 L.D. 1262

Sponsored by Senator PINGREE of Knox.
Cosponsored by Speaker ROWE of Portland and Senators:
DOUGLASS of Androscoggin, LaFOUNTAIN of York, President
LAWRENCE of York, RAND of Cumberland, Representatives:
HATCH of Skowhegan, SAXL of Portland, SHIAH of
Bowdoinham, TOWNSEND of Portland.

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

Sent down for concurrence.

Bill "An Act to Regulate Push Polling"

S.P. 420 L.D. 1257

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Representative GLYNN of South Portland and
Senators: AMERO of Cumberland, DAGGETT of Kennebec,
FERGUSON of Oxford, Representatives: GAGNE of Buckfield,
THOMPSON of Naples.

Bill "An Act to Discourage Consumption of Alcohol by Minors"

S.P. 422 L.D. 1259

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Senator: DAGGETT of Kennebec,
Representatives: BROOKS of Winterport, MADORE of Augusta.

Bill "An Act to Amend the Treatment of Security Deposits Upon
the Sale of a Building"

S.P. 443 L.D. 1318

Sponsored by Senator RAND of Cumberland.
Cosponsored by Senator: PINGREE of Knox.

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

Sent down for concurrence.

Bill "An Act to Encourage Municipal and State Partnerships
Concerning the Issuance of Aquaculture Leases"

S.P. 441 L.D. 1316

Sponsored by Senator HARRIMAN of Cumberland.
Cosponsored by Representative DAVIDSON of Brunswick,
Representative RICHARDSON of Brunswick, and Senator:
SMALL of Sagadahoc, Representative: SCHNEIDER of Durham.

Bill "An Act to Strengthen Enforcement of Lobster Trap Limits"

S.P. 452 L.D. 1327

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representatives: BAGLEY of Machias, HONEY
of Boothbay, LEMONT of Kittery, VOLENIK of Brooklin.
Submitted by the Department of Marine Resources pursuant to
Joint Rule 204.

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

Sent down for concurrence.

Resolve, to Direct the Governor to Establish a Commission to
Recommend to the Governor Candidate Designs for the Maine
State Quarter to be Submitted to the United States Mint

S.P. 444 L.D. 1319

Sponsored by Senator SMALL of Sagadahoc.
Cosponsored by Representatives: ETNIER of Harpswell, MAYO
of Bath.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Promote Historic and Scenic Preservation

S.P. 429 L.D. 1266

Sponsored by Senator AMERO of Cumberland.
Cosponsored by Senator: ABROMSON of Cumberland,
Representative BRENNAN of Portland.

Bill "An Act to Provide Equal Treatment in the Taxation of Public
Pensions"

S.P. 431 L.D. 1268

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative GAGNON of Waterville and
Senators HARRIMAN of Cumberland, KONTOS of Cumberland,
Representatives: BERRY of Belmont, LEMONT of Kittery,
MITCHELL of Vassalboro, TESSIER of Fairfield, TUTTLE of
Sanford.

Bill "An Act to Ensure the Proper Taxation of Low-energy Fuels"

S.P. 434 L.D. 1271

Sponsored by Senator AMERO of Cumberland.
Cosponsored by Senators: MILLS of Somerset, SMALL of
Sagadahoc, Representative: COWGER of Hallowell.

Bill "An Act to Adjust the Forest Fire Suppression Tax"

S.P. 435 L.D. 1272

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Extend the Machinery and Equipment Exemption
to Sales and Leaseback Transactions"

S.P. 437 L.D. 1274

Sponsored by Senator RUHLIN of Penobscot.
Cosponsored by Representative DAVIDSON of Brunswick and
Senator: MILLS of Somerset, Representatives: CIANCHETTE of
South Portland, COLWELL of Gardiner.

Bill "An Act Concerning Technical Changes to the Tax Laws"
(EMERGENCY)

S.P. 440 L.D. 1277

Sponsored by Senator RUHLIN of Penobscot.
Cosponsored by Representative GAGNON of Waterville and
Representative: GREEN of Monmouth.
Submitted by the Department of Administrative and Financial
Services pursuant to Joint Rule 204.

Bill "An Act to Allow Local Option Excise Taxes on Vehicles"
S.P. 456 L.D. 1331

Sponsored by Senator BENNETT of Oxford.

Bill "An Act to Establish a Personal Property Tax on Truck
Tractors, Trailers and Semitrailers Registered in this State"
S.P. 458 L.D. 1333

Sponsored by Senator DOUGLASS of Androscoggin.

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of the Tenants Harbor
Standard Water District" (EMERGENCY)
S.P. 428 L.D. 1265

Sponsored by Senator PINGREE of Knox.
Cosponsored by Representative SKOGLUND of St. George.

Bill "An Act to Encourage Utility Efficiency"
S.P. 436 L.D. 1273

Sponsored by President LAWRENCE of York.
Cosponsored by Senators: CAREY of Kennebec, HARRIMAN of
Cumberland, MILLS of Somerset, MITCHELL of Penobscot,
RUHLIN of Penobscot, Representatives: COLWELL of Gardiner,
FISHER of Brewer, MENDROS of Lewiston.

Bill "An Act Relating to Utilities and Affiliated Interests"
S.P. 439 L.D. 1276

Sponsored by President LAWRENCE of York.
Cosponsored by Senator: DAGGETT of Kennebec,
Representatives: FULLER of Manchester, GAGNON of
Waterville, MADORE of Augusta, MAILHOT of Lewiston,
O'BRIEN of Augusta, TESSIER of Fairfield.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR** on Bill "An Act to Amend the Laws
Regarding the Maine Jobs Council"
H.P. 125 L.D. 156

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

At this point a message was received from the House of
Representatives, borne by Representative SAXL of Portland
informing the Senate that the House concurred with the
proposition for a Convention of the two branches of the
Legislature to be held in the Hall of the House at 3:30 in the
afternoon for the purpose of extending to the Honorable Angus S.
King, Jr., Governor of the State of Maine, an invitation to attend
the Convention and make such communication as pleases him.

Off Record Remarks

At this point, the Senate retired to the Hall of the House, where a
Joint Convention was formed.

After Convention

In Senate Chamber

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

COMMUNICATIONS

The Following Communication: S.C. 51

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 10, 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 Natural Resources has had under consideration
the nomination of Roger K. Berle of Portland, for appointment to
the Land For Maine's Future Board.

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	2	Libby of York, Nutting of Androscoggin
	Representatives	7	Martin of Eagle Lake, Cowger of Hallowell, Daigle of Arundel, Duplessie of Westbrook, Joy of Crystal, McKee of Wayne, Tobin of Windham
NAYS		0	
ABSTAIN		1	Rep. Etnier of Harpswell
ABSENT		3	Sen. Treat of Kennebec, Rep. Cameron of Rumford, Rep. Clark of Millinocket

Nine 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 Roger K. Berle of Portland, for appointment to the Land For Maine's Future Board be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#15)

YEAS: Senators: None

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

ABSENT: Senators: BENOIT, LAWRENCE, MILLS, NUTTING

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **Roger K. Berle** of Portland, for appointment to the Land For Maine's Future Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 52

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

February 10, 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 Business and Economic Development has had under consideration the nomination of Gena Canning of Portland, for appointment to the Finance Authority of Maine.

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	2	Kontos of Cumberland, MacKinnon of York
	Representatives	8	O'Neal of Limestone, Bowles of Sanford, Clough of Scarborough, Marvin of Cape Elizabeth, Mendros of Lewiston, Shorey of Calais, Tripp of Topsham, Usher of Westbrook
NAYS		0	
ABSENT		3	Sen. Longley of Waldo, Rep. Bolduc of Auburn, Rep. Sirois of Caribou

Ten 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 Gena Canning of Portland, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Carol A. Kontos
Senate Chair

S/Gary O'Neal
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#16)

YEAS: Senators: None

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

ABSENT: Senators: BENOIT, LAWRENCE, MILLS, NUTTING

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **Gena Canning** of Portland, for appointment to the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 53

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

February 10, 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 Business and Economic Development has had under consideration the nomination of Mary B. Hatch of North Anson, for appointment to the Finance Authority of Maine.

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	2	Kontos of Cumberland, MacKinnon of York
	Representatives	8	O'Neal of Limestone, Bowles of Sanford, Clough of Scarborough, Marvin of Cape Elizabeth, Mendros of Lewiston, Shorey of Calais, Tripp of Topsham, Usher of Westbrook
NAYS		0	
ABSENT		3	Sen. Longley of Waldo, Rep. Bolduc of Auburn, Rep. Sirois of Caribou

Ten 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 Mary B. Hatch of North Anson, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Carol A. Kontos
Senate Chair

S/Gary O'Neal
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#17)

YEAS: Senators: None

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

ABSENT: Senators: BENOIT, LAWRENCE, MILLS, NUTTING

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **Mary B. Hatch** of North Anson, for appointment to the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication: S.C. 54

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

February 10, 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 Business and Economic Development has had under consideration the nomination of David M. Carlisle of Bangor, for appointment to the Finance Authority of Maine.

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	2	Kontos of Cumberland, MacKinnon of York
	Representatives	8	O'Neal of Limestone, Bowles of Sanford, Clough of Scarborough, Marvin of Cape Elizabeth, Mendros of Lewiston, Shorey of Calais, Tripp of Topsham, Usher of Westbrook

NAYS 0

ABSENT 3 Sen. Longley of Waldo, Rep. Bolduc of Auburn, Rep. Sirois of Caribou

Ten 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 David M. Carlisle of Bangor, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Carol A. Kontos
Senate Chair

S/Gary O'Neal
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#18)

YEAS: Senators: None

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

ABSENT: Senators: BENOIT, LAWRENCE, MILLS, NUTTING

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **David M. Carlisle** of Bangor, for appointment to the Finance Authority of Maine was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SECOND READERS

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

House

Bill "An Act to Increase the Fee Charged by Bail Commissioners"
H.P. 122 L.D. 153

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

Senate

Bill "An Act to Prevent Children from Acquiring Gunpowder"
S.P. 60 L.D. 130

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

Sent down for concurrence.

Senator **MACKINNON** of York was granted unanimous consent
to address the Senate off the Record.

Off Record Remarks

On motion by Senator **MURRAY** of Penobscot, **ADJOURNED**,
until Thursday, February 18, 1999, at 10:00 in the morning.