

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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Pages 1 - 746

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

In Senate Chamber
Thursday
February 18, 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 Senator James D. Libby of York County.

SENATOR LIBBY: Thank you, Madame President Pro Tem. I'd like to start with a story that will relate somewhat to the prayer that we will share this morning. Two weeks ago I met a gentleman from Bangor. A nearby friend said "hello, Senator Libby." The venerable man's ears picked up. He said "you're a Senator? So was I and, brother, do I have some stories to tell you." Well 45 minutes later he finished his two stories and he closed by saying the following, which I found rather interesting. He said "20 or so years ago I ran for the Maine Senate. I was a Jewish Republican from Bangor running against a powerful Democrat. I was a City Republican Chair throwing my hat in the ring and the next thing I knew I was serving my state. It was the highlight of my life." That was one of the warmest stories I've heard in quite some time and before we parted he wanted to know if there were any current members of the Senate who were Jewish. My answer was "there may be more, but I know of one man and while we disagree on some issues from time to time, I know him to be one of the most respected Senators in the State." And then my new friend left, quite satisfied with our conversation and so was I.

Please join me in prayer. Heavenly Father, thank You for assembling this diverse body. Help us to work together to solve the problems of our State and help us to understand the purpose for which we are here. We ask You for Your guidance in bringing together our collective knowledge and objectivity in order to do what is best for our State on this and every day. Most of all we ask You to teach us, not merely to tolerate our differences but to enjoy the bounty. Amen.

Doctor of the day, Sue St. Pierre, D.O., Bangor.

Reading of the Journal of Tuesday, February 16, 1999.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **RAND** of Cumberland, the following Joint Order:
S.P. 463

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, February 23, 1999 at 3 o'clock in the afternoon.

READ and **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate at Ease.

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

PAPERS FROM THE HOUSE

House Papers

- Bill "An Act to Resolve Technical Inconsistencies in the Nutrient Management Act" H.P. 891 L.D. 1248
- Bill "An Act to Reduce the Administrative Requirements of the Forest Practices Laws" H.P. 933 L.D. 1310
- Bill "An Act to Establish Blueberry Weight Accountability" H.P. 946 L.D. 1343
- 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 Provide Funds for a New Historical Atlas of Maine" H.P. 901 L.D. 1279
- Bill "An Act to Provide Partial Funding for Construction of the Edmund S. Muskie School of Public Service" H.P. 925 L.D. 1302

Bill "An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission"

H.P. 944 L.D. 1341

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

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

Bill "An Act to Enhance Tourism Promotion and Provide Additional State Revenue"

H.P. 914 L.D. 1292

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

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

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

Bill "An Act to Create the Board of Cemetery and Crematory Services"

H.P. 896 L.D. 1253

Bill "An Act to Expand Economic Development Opportunity"

H.P. 908 L.D. 1286

Bill "An Act Regarding Continuing Education for Professional Land Surveyors" (EMERGENCY)

H.P. 917 L.D. 1295

Bill "An Act to Amend the Laws Regarding the Hiring of Physicians for Maine Summer Camps" (EMERGENCY)

H.P. 927 L.D. 1304

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 Modify the Laws on Negotiating a Worthless Instrument"

H.P. 888 L.D. 1245

Bill "An Act to Provide Funding for School Drug Awareness and Education Programs"

H.P. 902 L.D. 1280

Bill "An Act to Make It a Class E Crime to Write a Check on a Closed Account"

H.P. 904 L.D. 1282

Bill "An Act Concerning the Responsibility of County Sheriffs to Transport Juvenile Detainees"

H.P. 915 L.D. 1293

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 Raise Penalties for Cases of Cruelty to Animals or Birds"

H.P. 903 L.D. 1281

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

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

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

Bill "An Act to Use State Educational Facilities Efficiently"

H.P. 909 L.D. 1287

Bill "An Act to Provide for Timely Implementation of the Maine College Savings Program" (EMERGENCY)

H.P. 919 L.D. 1297

Bill "An Act to Establish and Fund Conflict Resolution Programs in the Public Schools"

H.P. 928 L.D. 1305

Bill "An Act to Clarify Roles and Responsibilities in the Child Development Services System" (EMERGENCY)

H.P. 931 L.D. 1308

Bill "An Act to Facilitate the Transfer of Credits Between Colleges of the Maine Technical College System"

H.P. 939 L.D. 1336

Bill "An Act to Require Schools to Begin After Labor Day"

H.P. 943 L.D. 1340

Bill "An Act to Amend the Laws Regarding the School Administrative District Budget Approval Process"

H.P. 949 L.D. 1346

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 Expand Access to the Elderly Low-cost Drug Program"

H.P. 905 L.D. 1283

Bill "An Act to Create the Position of Ombudsman in the Department of Human Services"

H.P. 912 L.D. 1290

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

H.P. 918 L.D. 1296

Bill "An Act to Improve Consumers' Opportunities to Hire and Retain Personal Care Attendants"

H.P. 935 L.D. 1312

Bill "An Act to Ensure the Quality and Safety of Child Care"

H.P. 938 L.D. 1315

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 Give the Commissioner of Inland Fisheries and Wildlife the Sole Discretion to Determine the Need for and Location of Boat Launches"

H.P. 936 L.D. 1313

Bill "An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm"

H.P. 941 L.D. 1338

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 Strengthen the Kinship Laws"

H.P. 886 L.D. 1243

Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court"

H.P. 894 L.D. 1251

Bill "An Act Regarding Test Results Used in Determining Paternity"

H.P. 906 L.D. 1284

Bill "An Act to Allow the Child Support Obligor the Right to Provide Day Care"

H.P. 907 L.D. 1285

Bill "An Act to Provide for a Limited Waiver of Immunity"

H.P. 916 L.D. 1294

Bill "An Act to Amend the Statute of Limitations for Medical Malpractice"

H.P. 926 L.D. 1303

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 Protect the Rights of Judicial Employees"

H.P. 889 L.D. 1246

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 Require Truth in Campaign Advertising"

H.P. 887 L.D. 1244

Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses"

H.P. 897 L.D. 1254

Bill "An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts"

H.P. 913 L.D. 1291

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 Increase Harness Racing Opportunities"

H.P. 849 L.D. 1183

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

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

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

Bill "An Act to Provide Preference to Farmers for Disaster Relief"
H.P. 942 L.D. 1339

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

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

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

Off Record Remarks

Bill "An Act to Establish a Lobster License for 30-year Residents of the State Who are 65 Years of Age or Older"
H.P. 910 L.D. 1288

Bill "An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses"
H.P. 948 L.D. 1345

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.

Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection
H.P. 899 L.D. 1256

Bill "An Act to Require Legislative Review of Motor Vehicle Fuel Standards" (EMERGENCY)
H.P. 929 L.D. 1306

Bill "An Act to Repeal the Emissions Testing Program in Cumberland County"
H.P. 934 L.D. 1311

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.

Resolve, to Establish the Renewable Energy Policy Commission
H.P. 851 L.D. 1185

Committee on **NATURAL RESOURCES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

Bill "An Act to Establish Procedures for the Awarding of Loans and Grants to Municipalities and Other Entities"
H.P. 885 L.D. 1242

Bill "An Act to Establish Municipal Zoning Regulations for Community Living Arrangements"
H.P. 911 L.D. 1289

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 Amend the Certification Process of Code Enforcement Officers"
H.P. 920 L.D. 1298

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

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

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

Bill "An Act to Extend the Homestead Tax Exemption to the Passamaquoddy and Penobscot Communities"
H.P. 890 L.D. 1247

Bill "An Act to Eliminate the Lodging Tax on Long-term Rentals"
H.P. 892 L.D. 1249

Bill "An Act to Explain the Check-off Box on Maine Tax Returns for Campaign Financing"
H.P. 895 L.D. 1252

Bill "An Act to Base Sales Tax for Net Energy Billing Customers on Net Energy Deliveries"
H.P. 900 L.D. 1278

Bill "An Act to Enhance the Elderly Low Cost Drug Program"
H.P. 922 L.D. 1299

Bill "An Act Exempting from the Sales Tax the Value of a Trade-in Vehicle When the Trade-in Is Sold Privately"
H.P. 923 L.D. 1300

Bill "An Act to Make Technical Changes and Improvements to the Employment Tax Increment Financing Program"
H.P. 932 L.D. 1309

Bill "An Act to Establish Medical Savings Accounts"
H.P. 937 L.D. 1314

Bill "An Act Regarding Taxation of Clean Vehicle Fuels"
H.P. 940 L.D. 1337

Bill "An Act to Provide Long-term Funding for the Land for Maine's Future Program"
H.P. 947 L.D. 1344

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 Clarify the Exempt Status of Property Shipped Out of State"
H.P. 945 L.D. 1342

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

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **REFERENCE**, in **NON-CONCURRENCE**.

Bill "An Act to Allow a Change in a Vehicle Registration Date"
H.P. 893 L.D. 1250

Bill "An Act Regarding Required Lights on Plow Trucks"
H.P. 930 L.D. 1307

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 Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning"
H.P. 924 L.D. 1301

Comes 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.

Off Record Remarks

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced"
H.P. 950 L.D. 1347

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 473

119TH MAINE LEGISLATURE

February 17, 1999

Senator Neria Douglass
Representative Pamela Hatch
Chairpersons
Joint Standing Committee on Labor
119th Legislature
Augusta, Maine 04333

Dear Senator Douglass and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated John B. Wlodkowski of Augusta for reappointment as Chairman of the Maine Unemployment Insurance Commission.

Pursuant to Title 26, M.R.S.A., §1081, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR**.

Sent down for concurrence.

The Following Communication: S.C. 55

**DEPARTMENT OF DEFENSE, VETERANS
& EMERGENCY MANAGEMENT
OFFICE OF THE COMMISSIONER
CAMP KEYES
AUGUSTA, MAINE 04333**

February 11, 1999

The Honorable Mark W. Lawrence
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe,

Pursuant to the reporting requirements included in the Armory
Capital Repair legislation, the following information is provided:

Attachment 1: Anticipated Activities, 1999, 2000

Attachment 2: Detailed Summary of Repairs, 1997, 98

The availability of these one-time revenues has enabled the
Department to decrease our extensive backlog of repairs.

Questions should be directed to Mr. Joseph Tinkham, Deputy
Commissioner, at 626-4224.

Thank you for your continued support of the Maine National
Guard.

Sincerely,

S/Earl L. Adams
Major General
Commissioner

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

SENATE PAPERS

Bill "An Act to Amend the Laws Regarding Farmstead Cheese"
S.P. 465 L.D. 1404

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Representative WATERHOUSE of Bridgton.

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

Sent down for concurrence.

Bill "An Act to Increase Reimbursement for Hands-on Care to
Nursing Home Residents" (EMERGENCY) S.P. 469 L.D. 1408

Sponsored by Senator PINGREE of Knox.
Cosponsored by Representative LOVETT of Scarborough and
Representatives: BERRY of Livermore, DUGAY of Cherryfield,
KNEELAND of Easton.

Bill "An Act to Fund the Special Educational Adjustment"
S.P. 474 L.D. 1412

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Senator: PENDLETON of Cumberland,
Representatives: DUGAY of Cherryfield, PINKHAM of Lamoine.

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

Sent down for concurrence.

Bill "An Act to Clarify Discounts to Nonsmokers in Health
Insurance Premium Rates" S.P. 470 L.D. 1409

Sponsored by Senator NUTTING of Androscoggin.

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

Sent down for concurrence.

Resolve, to Support Downtown Revitalization through the
Location of State Facilities and Targeting Economic Development
Funding S.P. 476 L.D. 1414

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative COLWELL of Gardiner and
Senators: DAGGETT of Kennebec, DOUGLASS of
Androscoggin, LaFOUNTAIN of York, LONGLEY of Waldo,
MacKINNON of York, Representatives: MADORE of Augusta,
MAILHOT of Lewiston, MCKEE of Wayne.

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

Sent down for concurrence.

Bill "An Act to Provide for Fair and Open Procedures for a Waiver of Department of Education Rules"

S.P. 461 L.D. 1348

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Representative BAKER of Bangor and Senator: MURRAY of Penobscot, Representative: HATCH of Skowhegan.

Bill "An Act to Amend the Special Education Rules"

S.P. 475 L.D. 1413

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative CAMERON of Rumford and Representatives: DUGAY of Cherryfield, PINKHAM of Lamoine.

Bill "An Act to Restore Funding for Continuing Education for Teachers"

S.P. 477 L.D. 1415

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative FULLER of Manchester and Senators: CAREY of Kennebec, CATHCART of Penobscot, LaFOUNTAIN of York, NUTTING of Androscoggin, Representatives: COWGER of Hallowell, McKEE of Wayne.

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

Sent down for concurrence.

Bill "An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10"

S.P. 464 L.D. 1403

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative HONEY of Boothbay and Senators: DAGGETT of Kennebec, KONTOS of Cumberland, MICHAUD of Penobscot, Representatives: COWGER of Hallowell, DUNLAP of Old Town, GREEN of Monmouth, RINES of Wiscasset, USHER of Westbrook.

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

Sent down for concurrence.

Bill "An Act to Allow for a Citizen's Petition for a Grand Jury"

S.P. 466 L.D. 1405

Sponsored by Senator LIBBY of York.

Bill "An Act Regarding Counseling in Divorce and Separation"

S.P. 472 L.D. 1411

Sponsored by Senator CAREY of Kennebec.

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

Sent down for concurrence.

Bill "An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets"

S.P. 467 L.D. 1406

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

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

Sent down for concurrence.

Bill "An Act Clarifying the Tax Treatment of Prepaid Calling Arrangements"

S.P. 471 L.D. 1410

Sponsored by Senator CAREY of Kennebec.

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

Sent down for concurrence.

Bill "An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant"

S.P. 468 L.D. 1407

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative PIEH of Bremen and Senators: CAREY of Kennebec, KONTOS of Cumberland, MITCHELL of Penobscot, Representatives: BERRY of Belmont, COLWELL of Gardiner, DAVIDSON of Brunswick.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Promote Business and Economic Development by Helping Sign Manufacturers in Maine"
H.P. 135 L.D. 197

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.

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to the Construction of a Locally Funded Arts and Technology Center in Maine School Administrative District No. 49" (EMERGENCY)

H.P. 431 L.D. 573

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.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Permit the Sale of Moose Bones" (EMERGENCY)

H.P. 46 L.D. 60

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.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Make it an Unfair Claims Practice for Insurers Who Fail to Deal in Good Faith with Claimants to Resolve Claims"

H.P. 202 L.D. 280

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

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

SAXL of Bangor
JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
DUDLEY of Portland
O'NEIL of Saco
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland

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

Signed:

Representative:

MAYO of Bath

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

SECOND READERS

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

House

Bill "An Act to Amend the Laws Regarding the Maine Jobs Council"

H.P. 125 L.D. 156

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

HELD MATTER

On motion by Senator **MURRAY** of Penobscot, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **CRIMINAL JUSTICE** the following:

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

S.P. 459 L.D. 1334

(In Senate, February 16, 1999, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.)

On further motion by the same Senator, **TABLED** until Later in Today's Session, pending **REFERENCE**.

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Exempt Status of Property Shipped Out of State"

H.P. 945 L.D. 1342

Tabled - February 18, 1999, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**, in **NON-CONCURRENCE**

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

(In House, February 16, 1999, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

On motion by Senator **RUHLIN** of Penobscot the Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

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)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, January 26, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)**, in concurrence.)

(In House, February 2, 1999, **PASSED TO BE ENACTED**.)

On motion by Senator **BENNETT** of Oxford, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you, Madame President. Could we get an explanation of what this is about?

THE PRESIDENT PRO TEM: The Senator from Androscoggin, Senator Berube poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Thank you, Madame President. This is item 1 on Table and Later Today Assigned. This is a supplemental budget.

THE PRESIDENT PRO TEM: The pending motion before the Senate is Enactment. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#19)

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

NAYS: Senators: KIEFFER, LIBBY

ABSENT: Senators: LAWRENCE, PARADIS, SMALL

This being a Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 2 Senators having voted in the negative, with 3 Senators being absent, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

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

The Chair laid before the Senate the following Tabled and Later (2/9/99) Assigned 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

Tabled - February 9, 1999, by Senator **MURRAY** of Penobscot.

Pending - **FURTHER CONSIDERATION**

(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**.)

(In House February 4, 1999, that Body **ADHERED**.)

On motion by Senator **MURRAY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (2/11/99) Assigned matter:

Bill "An Act to Repeal Term Limits for Legislators and Constitutional Officers"

H.P. 746 L.D. 1036

Tabled - February 11, 1999, by Senator **GOLDTHWAIT** of Hancock.

Pending - **REFERENCE**

(In House, February 9, 1999, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

On motion by Senator **DAGGETT** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (2/11/99) Assigned matter:

Bill "An Act Regarding Municipal Notification and Approval in the Siting of Community Living Arrangements Within a Municipality"
H.P. 808 L.D. 1131

Tabled - February 11, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, February 9, 1999, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later (2/11/99) Assigned matter:

JOINT ORDER - relative to establishing a Commission to Assess the Health Care Delivery System for the Elderly
S.P. 403

Tabled - February 11, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **PENDLETON** of Cumberland to **PASS**

(In Senate, February 11, 1999, **READ**.)

On motion by Senator **PARADIS** of Aroostook, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/16/99) Assigned 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

Tabled - February 16, 1999, by Senator **RUHLIN** of Penobscot.

Pending - **FURTHER CONSIDERATION**

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

(In House, February 11, 1999, **REFERRED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.)

On motion by Senator **RUHLIN** of Penobscot, the Senate **ADHERED**.

Sent down for concurrence.

Off Record Remarks

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

Senator **MITCHELL** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **MITCHELL**: Thank you, Madame President. Good morning Senate colleagues. It is with sadness that I bring to you this morning a message of the loss of a former Senator who died yesterday. Former Senator Minnette H. Cummings of Newport, Maine. She served in both the House and Senate and was the first Assistant Majority Floor Leader lady in the 107th Legislature.

We received a call in the Senate office yesterday morning from her daughter whom, upon the request of Minnette, had asked that the Senate be notified upon her death. So I would ask you to please join me this morning in a moment of silence in her memory.

THE PRESIDENT PRO TEM: The Chair would ask the Senator to defer.

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate on the Record.

Senator **LONGLEY:** Colleagues of the Senate. Just on the note of Senator Cummings's, that was during the 70's and word from people I knew who were in the State House in the 70's was that whenever you needed to speak to somebody who had done her homework and knew the facts on any bill, go to Senator Cummings. I don't know if our minute of silence is up. I'd really just soon end this week on an up note, can I just say that next week is the "Start Me Right" week where "Start Me Right" stands for a broad based group of us, multi-partisan, public and private sector people who are moving forward focused on children's issues and you're all invited to a press conference at 11 o'clock on Monday. Basically it starts by helping parents who want help in the home and then when parents have to go to work it helps with quality childcare and financing strategies that are based on both incentives and rewards. That's next week, kid's week. Maybe that helps end on an up note. Thank you.

Senator **MITCHELL** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **MITCHELL:** I move that when the Senate adjourns we do so in the memory of the former Senator, Minnette Cummings.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Mitchell, has moved that when the Senate stands adjourned today it do so in the memory of former Senator Minnette Cummings until Tuesday, February 23, 1999 at 3:00 in the afternoon.

On motion by Senator **MITCHELL** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 23, 1999, at 3:00 in the afternoon in memory and tribute to former Senator Minnette Cummings.