

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
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STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
March 2, 1999

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

Prayer by Reverend Dr. James Haddix of the All Souls Congregational Church in Bangor.

REVEREND HADDIX: Let us pray. Eternal God, we begin our day with words of gratitude. We are grateful for creation, it's wonders and all it's benefits. We are grateful for life and all life's blessings. We are grateful for our great Nation, for this State and this Senate. All our institutions of democracy and freedom that shine like beacons across the dark places of want and despair and tyranny. We are grateful for the work we are able to do and for the privilege of gathering in this time and place to make choices for the future of the people who have elected this Senate and who have entrusted their welfare, in part, to this government.

Remind us again of public service as a high calling in our democracy. If some have sullied and stained this vocation by incompetence or wrongdoing, keep us from despising all who serve because of the evil few. Make us all eager to serve the public good and the highest ideals of our common life. Chasten us if we play politics like a game, thoughtless of the very high stakes in human costs that any selfishness or greed may exact upon a hopeful public. Give us a vision of the commonwealth first seen by those who faithfully served here before us. Lift the veil of the future to keep before us always the faces of those precious in Your sight who will be effected profoundly by the decisions made in this Chamber. Grant us a vision of the far off years as they may be if redeemed by Your grace and let us take heart in our own day to do right, to act with integrity and to do battle for your children and for ours. Amen.

Pledge of Allegiance led by Senator Richard A. Bennett of Oxford County.

Doctor of the day, Robert Hochmuth, M.D., Durham.

Reading of the Journal of Thursday, February 25, 1999.

The Chair noted the absence of the Senator from Penobscot, Senator MITCHELL and the Senator from York, Senator LIBBY and further excused the same Senators from today's Roll Call votes.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Authorizing the Maine Land Use Regulation Commission to Regulate Industrialized Farms within Unorganized and Deorganized Areas"

H.P. 1066 L.D. 1497

Bill "An Act to Require Notice to Abutters Prior to Commercial Applications of Pesticides"

H.P. 1088 L.D. 1535

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 Authorize a General Fund Bond Issue in the Amount of \$120,000,000 for Land Acquisition by the Land for Maine's Future Board"

H.P. 1083 L.D. 1530

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$13,500,000 for the Repair and Upgrading of Roads in the Bangor Area Comprehensive Transportation System"

H.P. 1084 L.D. 1531

Bill "An Act to Increase Reimbursement for Home Health Care Services"

H.P. 1101 L.D. 1548

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 Regarding Private Long-term Disability Insurance for Mental Illnesses"

H.P. 1062 L.D. 1493

Bill "An Act to Include Nontraditional Medical Alternatives under Health Insurance and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment"

H.P. 1067 L.D. 1498

Bill "An Act Concerning the Regulation of Certain Commercial Contracts of Insurance"

H.P. 1068 L.D. 1499

Bill "An Act to Provide Equity in Reimbursement for Health Care Providers"

H.P. 1080 L.D. 1527

Bill "An Act to Extend Portability of Coverage to Persons Covered under College-sponsored Health Plans"

H.P. 1094 L.D. 1541

Bill "An Act to Encourage Payment of Certain Workers' Compensation Premiums Owed to a Previous Insurer"

H.P. 1099 L.D. 1546

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 Requiring Registration of Surveys in the Registry of Deeds"

H.P. 1098 L.D. 1545

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.

Bill "An Act to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act"

H.P. 1055 L.D. 1486

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

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

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

Bill "An Act to Facilitate the Transfer of Education Records for Students Transferring to Another Public School"

H.P. 1087 L.D. 1534

Comes 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 Improve Medical Support for Children"

H.P. 1078 L.D. 1525

Bill "An Act to Preserve the Medicaid Home Health Benefit"

H.P. 1086 L.D. 1533

Bill "An Act to Provide a Method of Compensation for Personal Injuries Caused by Side-stream Tobacco Smoke"

H.P. 1104 L.D. 1551

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.

Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection

H.P. 1103 L.D. 1550

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act Regarding the Affiliation Definition Test for Rafting Companies"

H.P. 1082 L.D. 1529

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.

Bill "An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory"

H.P. 898 L.D. 1255

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

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

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

Bill "An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs"

H.P. 1091 L.D. 1538

Bill "An Act to Protect the Riparian Rights of Owners of Rockweed, Seaweed and Other Assets on Intertidal Land"

H.P. 1102 L.D. 1549

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 Require More Timely Court-ordered Psychological Evaluations"

H.P. 1092 L.D. 1539

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

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

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

Resolve, to Modify the Retirement Laws for a Certain School Principal (EMERGENCY)

H.P. 1100 L.D. 1547

Comes 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 Study the Effectiveness of Harness Racing Promotions" (EMERGENCY)

H.P. 1097 L.D. 1544

Comes 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.

Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery

H.P. 1079 L.D. 1526

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

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

Bill "An Act to Encourage Environmental Management Systems"

H.P. 1072 L.D. 1519

Bill "An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste"

H.P. 1073 L.D. 1520

Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Dioxin Emissions and Discharges

H.P. 1089 L.D. 1536

Bill "An Act to Protect Maine Lakes and Ponds"

H.P. 1090 L.D. 1537

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 Regulate the Use, Operation and Type of Watercraft on Coastal Waters

H.P. 1064 L.D. 1495

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

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

Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy"

H.P. 1081 L.D. 1528

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

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

Bill "An Act to Ensure the Documentation of the Transfer of Ownership of Mobile and Modular Construction Homes"

H.P. 1063 L.D. 1494

Bill "An Act to Establish a Sales Tax Exemption for Sales to Volunteer Organizations that Raise Funds to Benefit Local Charities"

H.P. 1071 L.D. 1518

Bill "An Act to Provide an Income Tax Deduction for the Purchase of Alternative Energy Equipment"

H.P. 1074 L.D. 1521

Bill "An Act to Eliminate the Income Tax, Sales Tax and Corporate Income Tax and Replace Them with a Flat Transaction Tax"

H.P. 1075 L.D. 1522

Bill "An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws"

H.P. 1077 L.D. 1524

Bill "An Act to Create a Historic Preservation Tax Credit"

H.P. 1093 L.D. 1540

Bill "An Act to Extend the Property Tax Exemption to Veterans of the Berlin Crisis"

H.P. 1095 L.D. 1542

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 Create the Bicycle Safety Act"

H.P. 1096 L.D. 1543

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

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

Bill "An Act to Amend the Charter of the Kennebunk Sewer District" (EMERGENCY)

H.P. 1065 L.D. 1496

Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers"

H.P. 1069 L.D. 1500

Bill "An Act Concerning Liens Held by the Freeport Sewer District"

H.P. 1085 L.D. 1532

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.

Joint Orders

The following Joint Order:

H.P. 921

ORDERED, the Senate concurring, that the Commission to Study the Statewide Redemption of Returnable Containers is established as follows.

1. Commission established. The Commission to Study the Statewide Redemption of Returnable Containers, referred to in this order as the "commission," is established.

2. Commission membership. The commission consists of 11 members appointed as follows:

A. Five members of the House of Representatives, appointed by the Speaker of the House;

B. Three members of the Senate, appointed by the President of the Senate; and

C. One representative each from the beverage distribution industry, the redemption center industry and the public, appointed by the Governor.

3. Chairs; staffing; expenses. The chair is elected by a majority vote of the members. The commission may request staffing assistance from the Executive Director of the Legislative Council. Those members of the commission who are Legislators are entitled to receive the legislative per diem and reimbursement of necessary expenses incurred for their attendance at authorized meetings.

4. Appointments. All appointments must be made by October 1, 1999.

5. Duties; report. The commission shall hold public hearings, gather information, create working groups and request necessary data from public and private entities to study problems with the present procedures for the redemption of beverage containers by manufacturers, distributors and dealers of beverage containers statewide pursuant to the Maine Revised Statutes, Title 32, chapter 28, to explore the feasibility of implementing a statewide system or other system for the redemption of beverage containers in the State and to make recommendations to the Legislature. By January 15, 2000, the commission shall submit a report of its findings to the Joint Standing Committee on Business and Economic Development along with any implementing legislation. The Joint Standing Committee on Business and Economic Development may report out any legislation during the Second Regular Session of the 119th Legislature concerning findings and recommendations of the commission.

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

READ.

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **NATURAL RESOURCES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The following Joint Order:

H.P. 1052

WHEREAS, the Legislature finds that it is important to examine the effects of the recent United States Department of Veterans Affairs health services reorganization on the Veterans Administration Medical Center at Togus; and

WHEREAS, it is vital to review the impact of recent United States Department of Veterans Affairs decisions on the quality and availability of the care of our veterans; now, therefore, be it

ORDERED, the Senate concurring, that there is established a Commission to Examine the Adequacy of Services, referred in this order as the "commission," at the Veterans Administration Medical Center; and be it further

ORDERED, that the commission consists of the members of the Joint Standing Committee on Legal and Veterans Affairs, one representative of each of Maine's 4 congressional offices and one representative of the Governor's office. The commission shall select a chair from among its members; and be it further

ORDERED, that the commission shall examine:

1. Services provided to veterans and the adequacy of those services to meet the needs of the veterans;
2. Funding provided to the medical center and the adequacy of those funds in providing necessary services to the veterans;
3. The possibility of the medical center being operated by partial receivership; and
4. Other issues the commission may determine relevant to the operation of the medical center; and be it further

ORDERED, that the commission shall present its findings to the Second Regular Session of the 119th Legislature by December 1, 1999. If the commission requires an extension of the reporting deadline, it may apply to the Legislative Council, which may grant the extension; and be it further

ORDERED, that the legislative members of the commission are entitled to receive the legislative per diem for their attendance at authorized meetings of the commission.

Comes from the House, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

COMMUNICATIONS

The Following Communication:

S.P. 525

119TH MAINE LEGISLATURE

February 25, 1999

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

Dear Senator Nutting and Representative Pieh:

Please be advised that Governor Angus S. King, Jr. has nominated John M. Joseph, Jr. of Hallowell for appointment as a member of the Maine Milk Commission.

Pursuant to Title 7, M.R.S.A., §2952, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/G. Steven Rowe
Speaker of the House

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

Sent down for concurrence.

The Following Communication:

S.C. 78

**STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333**

February 19, 1999

Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Ms. O'Brien:

Please find enclosed a copy of the final application, work plan and strategy update submitted to the Bureau of Justice Assistance for funding of the FY 99 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application and strategy be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Michael Kelly
Commissioner

READ and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

The Following Communication: S.C. 76

**MAINE STATE LEGISLATURE
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 24, 1999

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable G. Steven Rowe, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Resolve 1997, chapter 751, the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committees on Education and Cultural Affairs, Labor, and Utilities and Energy. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Sharon Treat, Chair
Commission to Study the Funding
and Distribution of Teletypewriters
and Other Telecommunications
Equipment for People with Disabilities

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

The Following Communication: S.C. 74

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 23, 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 Judiciary has had under consideration the nomination of Paul K. Vestal, Jr. of Plymouth, for reappointment to the Maine Human Rights 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	Longley of Waldo, Benoit of Franklin, Treat of Kennebec
	Representatives	7	Thompson of Naples, Bull of Freeport, Jacobs of Turner, Waterhouse of Bridgton, Norbert of Portland, Plowman of Hampden, Schneider of Durham
NAYS		0	
ABSENT		3	Rep. LaVerdiere of Wilton, Rep. Madore of Augusta, Rep. Mitchell of Vassalboro

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 Paul K. Vestal, Jr. of Plymouth, for reappointment to the Maine Human Rights Commission be confirmed.

Signed,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#21)

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

Representatives 8 Thompson of Naples, Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Waterhouse of Bridgton, Norbert of Portland, Plowman of Hampden, Schneider of Durham

NAYS 0

ABSENT: Senators: DOUGLASS, MILLS, RUHLIN, SMALL

ABSENT 2 Rep. Madore of Augusta, Rep. Mitchell of Vassalboro

EXCUSED: Senators: LIBBY, MITCHELL

Eleven 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 James Varner of Old Town, for reappointment to the Maine Human Rights Commission be confirmed.

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 4 Senators being absent, and 2 Senators being excused, , 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 **Paul K. Vestal, Jr.** of Plymouth, for reappointment to the Maine Human Rights Commission was **CONFIRMED**.

Signed,

S/Susan W. Longley
Senate Chair

S/Richard H. Thompson
House Chair

The Secretary has so informed the Speaker of the House.

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 75

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

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.

February 23, 1999

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

ROLL CALL (#22)

Dear Mr. President:

YEAS: Senators: None

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 Judiciary has had under consideration the nomination of James Varner of Old Town, for reappointment to the Maine Human Rights Commission.

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

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:

ABSENT: Senators: MILLS, RUHLIN, SMALL

YEAS Senators 3 Longley of Waldo, Benoit of Franklin, Treat of Kennebec

EXCUSED: Senators: LIBBY, MITCHELL

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent, and 2 Senators being excused, 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 **James Varner** of Old Town, for reappointment to the Maine Human Rights Commission was **CONFIRMED**.

Signed,

S/Carol A. Kontos
Senate Chair

S/Gary O'Neal
House Chair

The Secretary has so informed the Speaker of the House.

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 77

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.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

February 24, 1999

ROLL CALL (#23)

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

YEAS: Senators: None

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE

Dear Mr. President:

ABSENT: Senators: MILLS, RUHLIN, SMALL

EXCUSED: Senators: LIBBY, MITCHELL

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 Earl C. Black of Bangor, for appointment to the Maine State Housing Authority.

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:

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent, with 2 Senators being excused, 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 **Earl C. Black** of Bangor, for appointment to the Maine State Housing Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

YEAS	Senators	3	Kontos of Cumberland, Longley of Waldo, MacKinnon of York
	Representatives	6	O'Neal of Limestone, Bowles of Sanford, Clough of Scarborough, Mendros of Lewiston, Sirois of Caribou, Tripp of Topsham
NAYS		0	
ABSENT		4	Rep. Bolduc of Auburn, Rep. Marvin of Cape Elizabeth, Rep. Shorey of Calais, Rep. Usher of Westbrook

Off Record Remarks

SENATE PAPERS

Bill "An Act to Allow Philip Wolley to Receive Certain Legal Costs from the State"

S.P. 537 L.D. 1599

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 Earl C. Black of Bangor, for appointment to the Maine State Housing Authority be confirmed.

Sponsored by Senator MURRAY of Penobscot.
Cosponsored by Representative BAKER of Bangor.

Bill "An Act to Improve Accountability in the Budget Process"
S.P. 555 L.D. 1617

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representatives: O'BRIEN of Augusta,
POWERS of Rockport.

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

Sent down for concurrence.

Bill "An Act to Expand Term Limits of Maine Employers' Mutual Insurance Company Directors"
S.P. 540 L.D. 1602

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senator: ABROMSON of Cumberland,
Representatives MAYO of Bath, SULLIVAN of Biddeford.

Bill "An Act to Create a Standard Small Group Health Plan"
S.P. 542 L.D. 1604

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Conform Maine's Consumer Credit Laws to Federal Law and Make Other Changes"
S.P. 546 L.D. 1608

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senators: ABROMSON of Cumberland,
MURRAY of Penobscot, Representative: SULLIVAN of Biddeford.

Bill "An Act to Create a Patients' Bill of Rights"
S.P. 557 L.D. 1619

Sponsored by President LAWRENCE of York.
Cosponsored by Senators: LaFOUNTAIN of York, LONGLEY of Waldo, PINGREE of Knox, Representatives: BROOKS of Winterport, KANE of Saco, SULLIVAN of Biddeford.

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

Sent down for concurrence.

Bill "An Act Regarding Complementary Health Care Providers"
S.P. 533 L.D. 1595

Sponsored by Senator PENDLETON of Cumberland.

Bill "An Act to Integrate the Maine Economic Growth Council's Economic Growth Plan with the State's Economic Strategic Development Plan"
S.P. 549 L.D. 1611

Sponsored by Senator LONGLEY of Waldo.

Bill "An Act to Amend the Laws Regarding Professional Engineers"
S.P. 556 L.D. 1618

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

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

Sent down for concurrence.

Bill "An Act to Establish a Maine Student Leadership Pilot Program"
S.P. 526 L.D. 1559

Sponsored by Senator PINGREE of Knox.

Bill "An Act to Require High School Students to Earn a Certificate of Mastery Before Graduating"
S.P. 528 L.D. 1561

Sponsored by Senator AMERO of Cumberland.
Cosponsored by Representative MURPHY of Kennebunk and Senators: ABROMSON of Cumberland, BENNETT of Oxford, MACKINNON of York, MILLS of Somerset, Representative: CIANCHETTE of South Portland.

Bill "An Act to Create Greater Equity in Representation Among Municipalities Belonging to School Administrative Districts and Ensure That All School Referendum Votes Are Preceded by a Public Hearing"
S.P. 547 L.D. 1609

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representative: WESTON of Montville.

Bill "An Act to Ensure Equity in School Funding"
S.P. 558 L.D. 1627

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative RICHARD of Madison and Senator MILLS of Somerset, Representative LaVERDIERE of Wilton, and Senators: CASSIDY of Washington, PARADIS of Aroostook, Representatives: BELANGER of Caribou, BUMPS of China, CAMPBELL of Holden, DESMOND of Mapleton, MARTIN of Eagle Lake, STEDMAN of Hartland.

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

Sent down for concurrence.

Bill "An Act Regarding Hospital Cooperation"
S.P. 536 L.D. 1598

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Provide a Definition of Cigarette for Retail Purposes"

S.P. 551 L.D. 1613

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act to Amend the Wrongful Death Laws"

S.P. 541 L.D. 1603

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senators: NUTTING of Androscoggin,
PENDLETON of Cumberland, Representative: SULLIVAN of Biddeford.

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

Sent down for concurrence.

Bill "An Act to Require Prior Agreement by Both the Sender and the Receiver for a Recording to Take Place"

S.P. 548 L.D. 1610

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representatives: MITCHELL of Vassalboro,
NORBERT of Portland.

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

On motion by Senator **MURRAY** of Penobscot, **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

Sent down for concurrence.

Bill "An Act to Increase the Health Benefits for Retired Educators"

S.P. 552 L.D. 1614

Sponsored by Senator PARADIS of Aroostook.

Bill "An Act Regarding the Calculation of Maine State Retirement System Benefits"

S.P. 554 L.D. 1616

Sponsored by Senator PARADIS of Aroostook.

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

Sent down for concurrence.

Bill "An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General"

S.P. 527 L.D. 1560

Sponsored by Senator PINGREE of Knox. (GOVERNOR'S BILL)
Cosponsored by Representative SCHNEIDER of Durham.

Resolve, to Transfer the National Guard Armory in Skowhegan to Somerset County for Use as a County Jail

S.P. 535 L.D. 1597

Sponsored by Senator MILLS of Somerset.
Cosponsored by Representative HATCH of Skowhegan.

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

Sent down for concurrence.

Bill "An Act to Establish the Environmental Leadership Program"

S.P. 529 L.D. 1562

Sponsored by Senator AMERO of Cumberland.
Cosponsored by Representative MURPHY of Kennebunk and
Senators: ABROMSON of Cumberland, BENNETT of Oxford,
LIBBY of York, MILLS of Somerset, SMALL of Sagadahoc,
Representatives: CIANCHETTE of South Portland, DAVIS of Falmouth.

Resolve, to Direct the Department of Environmental Protection and the Department of Economic and Community Development to Devise a Proposal for Long-term Funding of the Removal of Tire Dumps

S.P. 539 L.D. 1601

Sponsored by Senator SMALL of Sagadahoc.
Cosponsored by Representative SHIAH of Bowdoinham and
Senator: DOUGLASS of Androscoggin, Representative:
SCHNEIDER of Durham.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

S.P. 545 L.D. 1607

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Senators: DAVIS of Piscataquis, MITCHELL of Penobscot, PENDLETON of Cumberland, Representatives:
BUMPS of China, LABRECQUE of Gorham.

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

Sent down for concurrence.

Bill "An Act to Promote Equity Among Health Care Clinics"
S.P. 532 L.D. 1594

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Representative MAYO of Bath.

Bill "An Act to Clarify the Sales Tax Exemption for Food Service
in Educational Institutions"
S.P. 534 L.D. 1596

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Representative STEVENS of Orono and
Representatives: DUNLAP of Old Town, WILLIAMS of Orono.

Bill "An Act to Redefine Property Subject to the Business
Equipment Tax Reimbursement Program to Include
Manufacturing Real Estate and to Exclude Property That is not
Used for Manufacturing or Research"
S.P. 543 L.D. 1605

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Make Manufacturing Real Estate Eligible for
Business Equipment Property Tax Reimbursement"
S.P. 544 L.D. 1606

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act to Clarify Language in the Motor Vehicle Laws with
Respect to Farm Equipment"
S.P. 550 L.D. 1612

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representative: WESTON of Montville.

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

Sent down for concurrence.

Resolve, to Transfer the Functions and Responsibilities of the
Maine Turnpike Authority to the Department of Transportation
S.P. 538 L.D. 1600

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Representative MENDROS of Lewiston and
Senators: ABROMSON of Cumberland, DOUGLASS of
Androscoggin, Representatives: GAGNE of Buckfield, GLYNN of
South Portland, JACOBS of Turner, WINSOR of Norway.

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

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

Bill "An Act to Repeal Registration Requirements of Cable
Television Franchise Agreements and the Filing of Wage Rates
and Benefits"
S.P. 553 L.D. 1615

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Senator: PENDLETON of Cumberland,
Representative: BUMPS of China.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

**Pursuant to Resolve
Commission to Study the Funding and Distribution of
Teletypewriters and Other Telecommunications Equipment
for People with Disabilities**

Senator TREAT for the **Commission to Study the Funding and
Distribution of Teletypewriters and Other
Telecommunications Equipment for People with Disabilities**
pursuant to Resolve 1997, chapter 72, section 5 asked leave to
report that the accompanying Bill "An Act to Implement the
Recommendations of the Commission to Study the Funding and
Distribution of Teletypewriters and Other Telecommunications
Equipment for People with Disabilities"

S.P. 530 L.D. 1563

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

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

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

ORDERS

Joint Resolutions

On motion by Senator RAND of Cumberland (Cosponsored by
Representative DAVIDSON of Brunswick and Senators:
ABROMSON of Cumberland, AMERO of Cumberland, KONTOS
of Cumberland, Representatives: BRENNAN of Portland,
McDONOUGH of Portland) (Approved for introduction by a
majority of the Legislative Council pursuant to Joint Rule 214.)
the following Joint Resolution: S.P. 531

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DIRECT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RELEASE AN AMOUNT OF FUNDS COMMENSURATE WITH THE EXTENT OF THE DEVASTATION INCURRED BY MAINE'S ELECTRIC UTILITIES AND THEIR CUSTOMERS FROM THE FUNDS APPROPRIATED BY PUBLIC LAW 105-174

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the members of the Congress of the United States, as follows:

WHEREAS, from Monday, January 5, 1998 through Saturday, January 10, 1998, the State of Maine endured an ice storm, the length and severity of which is unprecedented in living memory, now known as the Ice Storm of '98, which produced downed trees, tree limbs and power lines throughout the State; and

WHEREAS, on January 8, 1998, the Honorable Angus S. King, Jr., Governor of the State of Maine, declared that a state of emergency existed throughout the State due to the severe condition and the associated loss of electrical power to many citizens; and

WHEREAS, the storm crippled the State's electric utility infrastructure, leaving almost 1/2 of its residents without power at the peak of the storm, thousands of whom remained without power for a week or more, and, on January 15, 1998, Vice President Albert Gore, upon personally witnessing the devastation in Maine caused by the ice storm, stated it was "like a neutron bomb aimed at the power system"; and

WHEREAS, on January 13, 1998, the Honorable William J. Clinton, President of the United States, declared the Maine counties of Androscoggin, Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, Washington and York and a portion of Aroostook major disaster areas; and

WHEREAS, Central Maine Power Company, Bangor Hydro-Electric Company and other public and private entities, through their extraordinary organizational efforts combined with long hours of work, did an exemplary job rebuilding and repairing an electric infrastructure ravaged by this unprecedented storm at a cost of \$81,000,000; and

WHEREAS, the Governor categorized the extraordinary cost of restoring power as "purely a function of protecting life and safety of our people... the quick restoration of power... was not a matter of convenience, but was an unequivocal necessity"; and

WHEREAS, Congress passed and the President signed Public Law 105-174, An Act Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 1998, and Congress accepted a conference report that appropriated \$130,000,000 to be used for disaster relief, long-term recovery, and mitigation in disasters designated during fiscal year 1998; and

WHEREAS, the Federal Emergency Management Agency's "Blueprint for Action" for the Ice Storm of '98 notes that the "HUD Community Development Block Grant Program can supplement

other federal assistance in repairing and reconstructing infrastructure, including privately-owned utilities"; and

WHEREAS, despite the diligent efforts of the Maine Congressional Delegation, administration officials charged with disbursing the emergency funds have failed to recognize the severity of the damage sustained to the State's electric infrastructure caused by the Ice Storm of '98; and

WHEREAS, the amount of emergency funds allocated to the State to date, \$2,100,000, is entirely insufficient to cover the cost to repair damage to the electric infrastructure and without additional emergency funds, the State's electric utility ratepayers will bear the remaining burden of the cost of repair to the infrastructure in the form of extraordinary rate increases; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress direct the Department of Housing and Urban Development to release an amount of funds commensurate with the extent of the devastation incurred by the State's electric utilities and their customers from the funds appropriated by Public Law 105-174; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Speaker ROWE of Portland, Senator BERUBE of Androscoggin, Senator LAFOUNTAIN of York, Representative BRENNAN of Portland, Representative MCKEE of Wayne, Representative O'NEIL of Saco, Representative SULLIVAN of Biddeford), the following Joint Resolution: S.P. 559

**JOINT RESOLUTION DECLARING MARCH 2, 1999
READ ACROSS MAINE DAY**

WHEREAS, the children of America are our most precious resource and the best hope for a prosperous, thriving and free nation; and

WHEREAS, studies have confirmed that a high literacy rate is closely related to a higher standard of living; and

WHEREAS, children are naturally drawn to books and to stories and this is an interest that needs to be nurtured and encouraged; and

WHEREAS, Read Across America is a nationwide program organized by the National Education Association in coalition with other literacy, education and community groups; and

WHEREAS, in its quest to expand children's horizons and to raise awareness of the importance and value of reading, Read Across America has chosen the 95th anniversary of the birth of the late Dr. Seuss, beloved author of numerous popular children's books, to encourage every child to be in the company of a book; and

WHEREAS, March 2, 1999 has been designated to be the day to make a conscious effort to urge all people to honor both Dr. Seuss and the power of reading for children; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, take this occasion to declare Read Across Maine Day, and to encourage all people in Maine to encourage children to read and to develop an abiding and lifelong relationship with books for the betterment of the children and all society; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine, to the Department of Education and to the National Education Association.

READ and ADOPTED.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices"

H.P. 339 L.D. 455

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**.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE COMMITTEE REPORT**.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish an Administrative Procedure to Hear Polling Place Violation Complaints"

H.P. 375 L.D. 500

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

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
LABRECQUE of Gorham
MAYO of Bath
FISHER of Brewer
GAGNE of Buckfield
HEIDRICH of Oxford
CHIZMAR of Lisbon
PERKINS of Penobscot

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

Signed:

Representative:

McKENNEY of Cumberland

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

Reports **READ**.

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

Senate

Ought to Pass

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Establish a Maine Agriculture Market and Production Development Program" S.P. 158 L.D. 478

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator **GOLDTHWAIT** for the Committee on **MARINE RESOURCES** on Bill "An Act to Make Technical Changes in the Marine Resources Laws"

S.P. 284 L.D. 802

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum"

S.P. 156 L.D. 476

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

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

MILLS of Somerset

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Reports **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

SECOND READERS

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

House

Bill "An Act to Release Estate Tax Liens on Certain Real Estate"
H.P. 161 L.D. 223

Bill "An Act to Make Materiality a Jury Issue Relative to the Crime of Perjury"
H.P. 544 L.D. 765

Bill "An Act to Clarify the Criminal Code Relative to Strict Liability Crimes"
H.P. 545 L.D. 766

Bill "An Act to Clarify Sentencing Alternatives Involving Probation and Unconditional Discharge Under the Criminal Code"
H.P. 570 L.D. 791

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

Senate

Bill "An Act to Designate the First Saturday of Each October as Firefighter's Recognition Day"
S.P. 21 L.D. 13

Bill "An Act to Increase Nonregular Island Ferry Service from 24 to 36 Trips" (EMERGENCY)
S.P. 91 L.D. 194

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

Bill "An Act Regarding the Assignment of Insurance Benefits for Dental Care"
S.P. 260 L.D. 755

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Clarify the Application of Insurance Fraud Prevention Laws
S.P. 13 L.D. 2

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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, was presented by the Secretary to the Governor for his approval.

Acts

- An Act to Amend Maine's Insurance Laws Regarding Gifts and Rebates
S.P. 46 L.D. 117
- An Act to Lower the Age of Consent for the Donation of Blood
S.P. 55 L.D. 125
- An Act to Increase the Fee Charged by Bail Commissioners
H.P. 122 L.D. 153
- An Act to Amend the Laws Regarding the Maine Jobs Council
H.P. 125 L.D. 156

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

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 (2/23/99) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery"

S.P. 116 L.D. 313

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - February 23, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 23, 1999, Reports **READ**.)

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Mr. President, men and women of the Senate. The Bill that is in front of you would allow honorably discharged veterans to be buried in the Veterans Memorial Cemetery. That is all people who have served. While the proposal in itself is certainly laudable, I hope that you will join with me in the Ought Not To Pass Report because our

Committee is currently looking at either a taskforce or a study committee that would look at the many areas in our statutes where the term "veteran" is defined. At the suggestion of General Adams, we are going to take a look at that because apparently there are about 8 - 10 places in the statute where the term "veteran" is defined differently.

It is not simply a question of burial in the cemetery and I think it would be extremely confusing and very difficult for our veterans if we put a Bill out or put an isolated issue out here or there which deals with simply one of the benefits that our veterans get. There are many of them and there are some very complicated issues regarding veterans benefits. I would just like to read to you here a list of benefits that Maine's veterans get so that you can see the variety of benefits and see how confusing it could be, and perhaps is, as our veterans are eligible for different benefits depending on what the definition of "veteran" is for those circumstances. Currently veterans, and this is for the veterans cemetery, this is men and women who have served during a statutorily defined period that is also defined at the Federal level. In some instances we do mirror the Federal legislation and I would add that we also are currently not in conformity with the Federal statutes regarding Vietnam veterans and hopefully we would have an opportunity to clear that up. Certain veterans are eligible for certain license plates; certain vehicle registration fees; eligible to be in the Maine Veterans Home. They are eligible for certain hunting and fishing licenses. They have certain eligibility for the State Retirement System. They have certain preferences in hiring. There are several different property tax exemptions depending on the veteran and disability. They are eligible for certain programs through the Finance Authority of Maine. They are eligible for certain mortgage insurance for veterans; dependent education benefits as well as the Housing Authority. Hopefully the committee will have an opportunity during the off-session or have a taskforce that will take a look at all of the benefits, not just one, which this is. So I hope that you will join with me in the Ought Not To Pass Report and give the Committee an opportunity to bring some conformity.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President, ladies and gentlemen of the Senate. I will hope you will join me in voting against the prevailing motion. This is a very simple Bill. What it allows is all honorably discharged veterans to be buried in the Veterans Memorial Cemetery. I'm going to give you some statistics and I hope you will bear with me for a second or two. There are 149,000 veterans living in Maine. 114,000 of these veterans are war-time veterans and there are 35,000 non-war-time veterans. This is the group that we are talking about, these 35,000. Presently there are 600 veterans or spouses being buried in the cemetery. They expect another 144 veterans or spouses per year to be buried if this Bill goes through.

Approximately 24% of the veterans take advantage of this benefit currently. We do have a new section in the cemetery. There is enough space to accommodate the veterans. In the current budget it was reported to us by General Adams, whose name was invoked here earlier. His representative, Col. Tinkham, indicated to us that they could accommodate these additional veterans within the current staff and the current budget. There were several veterans at the hearing and it seemed to me that

the consensus that I could gather was that a majority of the veterans seemed to be in favor of this. Larry Dearborn, who was the State Commander of the American Legion, which is the largest veterans' organization, is very supportive of this piece of legislation and has indicated this on more than one occasion. I personally have no personal conflict in this. I'm eligible. I'm a Korean War veteran. I fall in the timeframe. So there would be no personal benefit for me if this legislation goes through. Came out of Committee 10-2 Ought To Pass and I would hope that you would join me and defeat the prevailing motion and go on and Accept the Majority Ought To Pass. I thank you for your indulgence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you very much, Mr. President. Good morning, ladies and gentlemen of the Senate. I hope you will join me and my very good friend from Oxford, Senator Ferguson, in defeating the pending motion by the Minority Ought Not To Pass Report. I had the honor of being the sponsor of this piece of legislation and was happy to do so when one of my constituents, who was speaking for many veterans I'm sure around the State of Maine, said to me you know I served my country honorably and did my best to uphold the principles of democracy. I held the line in Europe against Communism. Indeed my service to my country, in some large measure, in a peaceful way, tore down the Iron Curtain. It would seem to me, he went on to say, that it's not too much to ask that my final resting place, if I so choose, should be amongst my colleagues in the Veterans Memorial Cemetery. To which I said why can't you be buried there? His reply was well I'm discriminated against because only those who are recognized as being involved in armed conflicts are allowed to be interned there. I said well that's not fair. I'd be happy on your behalf and on behalf of Maine veterans to sponsor this legislation. So here we have it, an opportunity to say a heartfelt thanks to those who served in our military, particularly those who through peaceful means accomplished something we all are proud of today. As my colleague from Oxford, Senator Ferguson, indicated, we have the land, the Department can accommodate those who may want to use this service and it won't cost us any money. So why would we say no to our veterans? Thank you, Mr. President. Mr. President I request when the vote is taken it be taken by the Yeas and Nays.

At the request of Senator **HARRIMAN** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Mr. President and men and women of the Senate. I certainly appreciate the sentiments of both of the good Senators who have spoken earlier and, in fact, also sponsored a Bill that in fact was heard the other day and would have allowed all of those who served to have not only burial in the cemetery but also to have the property tax exemption and I'm expecting that I will have an Ought Not To Pass on the Bill that I sponsored, with the understanding that we will be looking at the entire range of issues. When it comes to veterans' issues, there are many competing interests and I would suggest

that it would be extremely difficult for anyone who served to stand up at a public hearing and say that they were opposed to others who served with them being buried in the Veterans Memorial Cemetery. In fact I had a conversation that very day with Chuck Ciccoti, who is the State Administrator for the American Legion, and he expressed to me at that time his interest in having the taskforce or study committee take a look at all of these issues, burial in the cemetery as well as the property tax exemption and others.

I'd just like to move for a moment to the issue of burial in the cemetery and, while there is land that has been acquired and will be developed in the northern part of the State for an expansion of the Veterans Memorial Cemetery, it is very difficult for me to believe that there is absolutely no cost to anyone to bury an additional number of people there. It might be a minor cost, but I would also remind people here that in the early part of this decade the budget cuts to the Veterans Cemetery were so severe that the burials were 2 - 3 weeks behind schedule. And, in fact, there were serious problems regarding those burials. In conjunction with another Bill that we heard, I did have a Bill in myself regarding private burial at the cemetery because of the severe budget cuts and the fact that the staff there were not even able to take care of those people who at this point have the right to be buried there. I would say that there have been some additional allocations so things have improved somewhat. But in the process of our public hearing, it became very obvious that there are indeed problems with burial at the cemetery and that only a very small number of people actually choose to be buried there because the process of getting burial at the Veterans Memorial Cemetery is extremely ridged and does not encourage those who wish to use it. It was somewhat of a surprise to me to find that it seemed to be a fairly general held opinion that there were problems related to the burials at that cemetery. I would suggest that we really don't know exactly how many people would be using the cemetery if, in fact, the cemetery were more open to accommodating those people who actually have the right to be buried there. Like a lot of issues, this seems pretty straight forward on the surface but I would suggest to you that there are many issues behind this and the Committee really needs an opportunity to look at all of them. I'm certainly not opposed to this. As I said I had my own Bill and it would have allowed the same thing. I encourage you to please vote with me on the Ought Not To Pass so that the committee or taskforce will have an opportunity to look at all of the issues. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you, Mr. President, ladies and gentlemen of the Senate. I have no problem with the studies, you can conduct all the studies. There are some problems out there and we can look at that later. This is a very, very straight forward Bill. It opens it up to the Cold War veterans who kept the peace for so many years. We have several veterans on our Committee and most of them seem to be in favor of this Ought To Pass Report that came out. It was a 10-2 report. I think we ought to put this to bed right now. I would hope that you would join in me in voting against the prevailing motion so we can go on and adopt the 10-2 Ought To Pass. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Daggett to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#24)

YEAS: Senators: CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, MICHAUD, MURRAY, O'GARA, PARADIS, PINGREE, RAND, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, LAFOUNTAIN, LONGLEY, MACKINNON, NUTTING, PENDLETON, TREAT

ABSENT: Senators: MILLS, RUHLIN, SMALL

EXCUSED: Senators: LIBBY, MITCHELL

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being absent, and 2 Senators being excused, the motion by Senator **DAGGETT** of Kennebec to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Senate the following Tabled and Later (2/25/99) Assigned matter:

Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"
S.P. 518 L.D. 1552

Tabled - February 25, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

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

On motion by Senator **MICHAUD** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/25/99) Assigned matter:

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act Regarding the Maintenance of Private Roads"
H.P. 332 L.D. 448

Report - **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**

Tabled - February 25, 1999, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**, in concurrence

(In House, February 23, 1999, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

(In Senate, February 25, 1999, Report **READ**.)

Report **ACCEPTED**, in concurrence.

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 Today Assigned matter:

Bill "An Act to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act"
H.P. 1055 L.D. 1486

Tabled - March 2, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

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

(In House, February 25, 1999, **REFERRED** to the Committee on **JUDICIARY**.)

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

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

Bill "An Act to Require More Timely Court-ordered Psychological Evaluations"
H.P. 1092 L.D. 1539

Tabled - March 2, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**.

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

(In House, February 25, 1999, **REFERRED** to the Committee on **CRIMINAL JUSTICE**.)

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

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

Bill "An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities"

S.P. 530 L.D. 1563

Tabled - March 2, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**.

(In Senate, March 2, 1999, Report from the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities **READ** and **ACCEPTED**.)

REFERRED to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/25/99) Assigned matter:

Bill "An Act to Allocate the State Tax Windfall on the Sale of Generation-related Assets to the Reduction of Stranded Costs Otherwise Paid by Ratepayers"

H.P. 1030 L.D. 1452

Tabled - February 25, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, February 23, 1999, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

On motion by Senator **MICHAUD** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Wednesday, March 3, 1999, at 10:00 in the morning.