

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

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

In Senate Chamber
Wednesday
March 17, 1999

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

Prayer by Reverend Grace Bartlett of Grace United Methodist Church in Bangor.

REVEREND BARTLETT: Let us pray. Great God, creator and ruler of the universe, it is You who have fashioned us out of the dust of the earth and have breathed into us the breath of life. It is Your spirit that causes us to rise up and to dance into all of the colors of Your rainbow of life. You bless us with the gift of life, the gift of one another, and the gift of our life's work. We are grateful. As we gather this day, we give You thanks for these men and women and for their willingness to work as public servants. We ask that they may be able to entrust their loved ones and their lives outside of the Senate to Your care this day. That each of them may find Your peace and be able to focus on the work that is set before them. Grant each person Your discerning wisdom and a thirst for justice and compassionate mercy. Open their hearts and ears to You and to one another. Bless each man and woman that individually and collectively they may be a blessing to the people of this State, Nation and World. Amen.

Doctor of the day, Mark D. Earnshaw, M.D., Cape Elizabeth.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT RESOLUTION - relative to Declaring a Maine Fitness Weekend
S.P. 644

In Senate, March 11, 1999, on motion by Senator HARRIMAN of Cumberland, **READ** and **ADOPTED**.

Comes from the House, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Protect Taxpayers Against Open-ended Maintenance Expenditures on Property Transferred to the State"
H.P. 1283 L.D. 1844

Bill "An Act to Require Posting of Regulations on Public Lands"
H.P. 1293 L.D. 1854

Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"
H.P. 1309 L.D. 1868

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 Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created"
H.P. 1281 L.D. 1842

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

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

Bill "An Act to Deter Export of Unprocessed Timber and Increase Maine Employment in Timber Harvesting and Processing"
H.P. 1300 L.D. 1861

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

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

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

Bill "An Act to Relocate the Maine Legislative Law and Reference Library to Comply with the Federal Americans with Disabilities Act" (EMERGENCY)

H.P. 1328 L.D. 1911

Comes 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 Assignment of Benefits under a Health Insurance Policy" H.P. 1301 L.D. 1862

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

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

Bill "An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures" H.P. 1285 L.D. 1846

Bill "An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment" H.P. 1312 L.D. 1895

Bill "An Act to Give Consumers Restroom Access" H.P. 1317 L.D. 1900

Bill "An Act to Promote Economic Development in Central Maine" H.P. 1327 L.D. 1910

Bill "An Act Concerning the Regulation and Treatment of Time-shares" H.P. 1333 L.D. 1916

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 Change the Charter of the Eastport Port Authority" (EMERGENCY) H.P. 1306 L.D. 1870

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

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

Bill "An Act to Prohibit the Scalping of Entertainment Tickets" H.P. 1318 L.D. 1901

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

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

Bill "An Act to Amend the Possession of Firearms by Felons" H.P. 1297 L.D. 1858

Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees H.P. 1316 L.D. 1899

Bill "An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta" H.P. 1326 L.D. 1909

Bill "An Act to Provide for Tougher Treatment of Drunk Drivers" (EMERGENCY) H.P. 1329 L.D. 1912

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 Allow School Officials to Provide Information Regarding Certain Juveniles to Other Agencies" H.P. 1302 L.D. 1863

Bill "An Act to Credit a Town for Payment of School Construction" (EMERGENCY) H.P. 1324 L.D. 1907

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.

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program H.P. 1313 L.D. 1896

Bill "An Act to Allow Emergency Room Personnel to Search Patients Who have Threatened Themselves or Others" H.P. 1319 L.D. 1902

Bill "An Act to Establish the Birth Defects Program" H.P. 1322 L.D. 1905

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 Study Issues Related to the Muzzle-loading Season
H.P. 1321 L.D. 1904

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 to Amend the Laws Regarding Real Estate Transfers"
H.P. 1289 L.D. 1850

Bill "An Act to Amend the Freedom of Access Laws"
H.P. 1296 L.D. 1857

Bill "An Act Allowing the Appointment of Temporary Guardians of Minors"
H.P. 1299 L.D. 1860

Bill "An Act to Conform the Highway Defect Statute to the Maine Tort Claims Act"
H.P. 1304 L.D. 1865

Bill "An Act Concerning Tribal Jurisdiction over Rights-of-way Over or Abutting Tribal Lands and the Collection of Fines from Violations Occurring on Tribal Lands and Rights-of-way"
H.P. 1331 L.D. 1914

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 Concerning the Political Use of Union Dues"
H.P. 1303 L.D. 1864

Bill "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers"
H.P. 1314 L.D. 1897

Bill "An Act to Ensure Fair Access under the Workers' Compensation Utilization and Review System"
H.P. 1330 L.D. 1913

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 Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value"
H.P. 1325 L.D. 1908

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

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

Bill "An Act to Require the Display of the Prisoner of War - Missing in Action Flag"
H.P. 1287 L.D. 1848

Bill "An Act Concerning the Distribution of Beer and Wine"
H.P. 1295 L.D. 1856

Bill "An Act to Establish the Emergency Management Preparedness and Assistance Trust Fund"
H.P. 1305 L.D. 1869

Resolve, to Study the Needs of Maine Veterans and Their Families
H.P. 1320 L.D. 1903

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 Require Enhanced Emissions Testing for the Entire State"
H.P. 1298 L.D. 1859

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

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

Bill "An Act to Require That Local Officials Take On-the-record Stands When They Are Responsible for Laws That Decrease Property Taxes"
H.P. 1282 L.D. 1843

Bill "An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways"
H.P. 1288 L.D. 1849

Bill "An Act to Amend the InforME Laws"
H.P. 1308 L.D. 1867

Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House
H.P. 1315 L.D. 1898

Bill "An Act to Amend the Maine Administrative Procedure Act Pertaining to Major Substantive Rules Review"
H.P. 1323 L.D. 1906

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 Require Review of a Property Tax Assessment When the Property Has Been Potentially Devalued by a Law"
H.P. 1280 L.D. 1841

Bill "An Act to Limit the Imposition of Excise Taxes on Watercraft"
H.P. 1284 L.D. 1845

Bill "An Act to Increase to 5.5% the Amount of Revenue Dedicated to General Revenue Sharing"
H.P. 1286 L.D. 1847

Bill "An Act to Amend the Laws Pertaining to Taxation of Recreational Vehicles"
H.P. 1290 L.D. 1851

Bill "An Act to Create Tax Fairness for Private Purchases of Health Insurance"
H.P. 1291 L.D. 1852

Bill "An Act to Establish a New Rate for Excise Taxes of Vehicles"
H.P. 1294 L.D. 1855

Bill "An Act to Reform the Maine Tree Growth Tax Law"
H.P. 1307 L.D. 1866

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 Expand the Membership of the Northern New England Passenger Rail Authority"
H.P. 1292 L.D. 1853

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 Protect the Drinking Water Supply of the Portland Water District"
H.P. 1256 L.D. 1810

Bill "An Act to Amend Assessment Provisions Within the Charter of the Kennebunk Sewer District" (EMERGENCY)
H.P. 1332 L.D. 1915

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

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

**Pursuant to Statute
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 to Revise Procedures for Probation Revocation"
H.P. 1310 L.D. 1871

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

Comes from the House, 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.

**Pursuant to Statute
Administrator of the Unorganized Territory**

The **Administrator of the Unorganized Territory**, pursuant to Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00" (EMERGENCY)
H.P. 1311 L.D. 1872

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

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

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

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

Off Record Remarks

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue for Repairs, Renovations and Additions to Public Schools"

S.P. 678 L.D. 1928

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative WATSON of Farmingdale and Senators: DAGGETT of Kennebec, NUTTING of Androscoggin, PINGREE of Knox, Representatives: COWGER of Hallowell, FULLER of Manchester, McKEE of Wayne, SHIAH of Bowdoinham.

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

Sent down for concurrence.

Bill "An Act to Protect Beneficiaries of Structured Settlements"

S.P. 680 L.D. 1930

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senators: ABROMSON of Cumberland, MURRAY of Penobscot, PENDLETON of Cumberland, Representative: SAXL of Bangor.

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

Sent down for concurrence.

Bill "An Act to Amend the Franchise Law"

S.P. 681 L.D. 1931

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senators: ABROMSON of Cumberland, KONTOS of Cumberland, MacKINNON of York, PENDLETON of Cumberland, Representatives: CAMERON of Rumford, SAXL of Bangor.

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

Sent down for concurrence.

Bill "An Act to Deter Environmental Terrorism in the State"

S.P. 675 L.D. 1925

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative CAMERON of Rumford and Senators: DAVIS of Piscataquis, KIEFFER of Aroostook, NUTTING of Androscoggin, PARADIS of Aroostook, Representatives: CARR of Lincoln, CLARK of Millinocket, PLOWMAN of Hampden, STANLEY of Medway.

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

Sent down for concurrence.

Resolve, to Establish Maine's Business Advisory Committee on Prescription Drug Costs and Efficiencies (EMERGENCY)

S.P. 676 L.D. 1926

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Senators: BERUBE of Androscoggin, PARADIS of Aroostook, Representative: KANE of Saco.

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

Sent down for concurrence.

Bill "An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law"

S.P. 677 L.D. 1927

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative McKEE of Wayne and Senators: O'GARA of Cumberland, PINGREE of Knox, RAND of Cumberland, Representatives: CAMERON of Rumford, COLWELL of Gardiner, DUPLESSIE of Westbrook, STANLEY of Medway, TRACY of Rome.

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

Sent down for concurrence.

Bill "An Act to Create the Beano and Games of Chance Commission"

S.P. 682 L.D. 1932

Sponsored by Senator CAREY of Kennebec.

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

Sent down for concurrence.

Bill "An Act Concerning Damage to Lands and Natural Resources Caused by Natural Gas Pipelines"

S.P. 679 L.D. 1929

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and Senators: KILKELLY of Lincoln, LONGLEY of Waldo, NUTTING of Androscoggin, PINGREE of Knox, Representatives: BULL of Freeport, RINES of Wiscasset, SHIAH of Bowdoinham, WATSON of Farmingdale.

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

Sent down for concurrence.

**Pursuant to Public Law
Land and Water Resources Council**

Senator TREAT for the **Land and Water Resources Council** pursuant to Public Law 1997, chapter 722 asked leave to report that the accompanying Bill "An Act to Reduce Mercury in Products"

S.P. 674 L.D. 1924

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

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

REFERRED to the **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator DAGGETT of Kennebec (Cosponsored by Representative MADORE of Augusta and Senator BERUBE of Androscoggin, Senator CATHCART of Penobscot, Senator KONTOS of Cumberland, Senator SMALL of Sagadahoc, Representative COWGER of Hallowell, Representative O'BRIEN of Augusta, Representative WATSON of Farmingdale), the following Joint Resolution:

S.P. 683

**JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS
OF THE UNIVERSITY OF MAINE AT AUGUSTA**

WHEREAS, the University of Maine at Augusta, "UMA," has 3 formal campus locations, in Augusta, Bangor and Lewiston-Auburn; and

WHEREAS, UMA offers academic programs and courses across the State at its 3 campuses and at over 100 sites and

centers of the University of Maine System Network for Education and Technology Service; and

WHEREAS, UMA teaches over 8,000 Maine students each year in every county in the State; and

WHEREAS, UMA is the 3rd largest university in the State; and

WHEREAS, UMA is the major provider of associate degrees in education in the State; and

WHEREAS, UMA honors its 28,000 alumni and past students who make a real difference in their communities; and

WHEREAS, UMA has been serving the entire State for 39 years; and

WHEREAS, this spring UMA will be celebrating extraordinary enrollment increases of 13.54% for the spring semester and 6.54% overall; and

WHEREAS, UMA is educating Maine citizens for Maine careers, now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, congratulate UMA on being awarded the National College Marketing Silver Award by the American Advertising Association for its outreach and recruiting program; and be it further

RESOLVED: That the Legislature is honoring UMA by designating March 17, 1999 as UMA Day; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Owen Cargol, President of UMA.

READ.

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

Senator **KONTOS:** Thank you, Mr. President. Men and women of the Senate, I've taught at UMA since 1981 and it's a real pleasure for me to have the opportunity to acknowledge the important contribution of this major campus in the University System. Many of my colleagues are here today, in the Hall of Flags, eager to talk to you about the work that they do. Many of our students are here and you will find the displays downstairs most engaging. It's a wonderful campus and some of the finest students in the system have moved through that campus to a variety of other directions. We have terrific programs designed to meet the needs of adult students in particular who need to go to school while they work or take care of family responsibilities and commute. So it actually accomplishes much of what all of us believe in terms of lifelong learning, regardless of the time of your life at which you enter that process. It's especially wonderful place for women students and we are finding an interesting mix now of younger and older students as well. I'm proud to be a member of that faculty. I want all of you to know that we're right across town in one of the most beautiful hills in all of the valley

here and encourage you to take advantage of some of the opportunities that are available at UMA as the capital city's campus. So enjoy the displays, thank the people who work hard on our behalf to help make education a lifelong experience for the citizens of not only Central Maine but all over the state of Maine. I thank you for the opportunity to celebrate this important day for them. Thank you, Mr. President.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Dr. Owen Cargol, President of the University of Maine at Augusta; Dr. Bryan Blanchard, Provost; Dean Grace Leonard, College of Natural and Social Science; Dean Josh Nadal, College of Arts and Humanities; Dean Marianne Steinhacker, College of Math and Professional Studies; Jim Doran, Executive Assistant to the President; Dick Campbell, Chief Financial Officer; and the many faculty, staff, and students who are present including the UMA Moose, in case you haven't seen him. Would they all please rise and receive the greetings of the Senate.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

SECOND READERS

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

House

Bill "An Act to Clarify the Membership of the Somerset County Budget Committee" H.P. 416 L.D. 558

Bill "An Act to Rename the Harassment Based on Characteristic Law" H.P. 582 L.D. 822

Bill "An Act to Repeal the Authorization of Lucerne-in-Maine Village Corporation to Construct Dams and Fishways" H.P. 717 L.D. 1007

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

House As Amended

Bill "An Act to Repeal the Community Rating Law" H.P. 23 L.D. 33 (C "A" H-36)

Bill "An Act to Establish the Endowment Incentive Fund" H.P. 77 L.D. 90 (C "A" H-47)

Bill "An Act to Change the Municipal General Assistance Shelter Allowance" H.P. 179 L.D. 257 (C "A" H-45)

Bill "An Act to Clarify the Duty of Insurance Agencies to Keep Records" H.P. 438 L.D. 601 (C "A" H-46)

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

Senate

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions S.P. 219 L.D. 641

Bill "An Act to Strengthen Marine Fisheries Conservation Protection" S.P. 283 L.D. 801

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 Make Maine Medicare Supplement Insurance Laws Consistent with Federal Laws S.P. 48 L.D. 119 (C "A" S-15)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Emergency Measure

An Act to Amend the Maine Banking Code as it Pertains to ATM Surcharges

S.P. 101 L.D. 240
(C "A" S-16)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Measure

An Act to Form a New Local Education Agency

H.P. 532 L.D. 739

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Measure

An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening

S.P. 274 L.D. 792

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a Major Substantive Rule of the Board of Elevator and Tramway Safety

H.P. 19 L.D. 29
(C "A" H-31)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 8: Fees, Section 1, A Major Substantive Rule of the Board of Veterinary Medicine

H.P. 21 L.D. 31
(C "A" H-32)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing the Transfer of Certain State Historic Site Property

H.P. 398 L.D. 540
(C "A" H-22)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Acts

An Act to Change the Selection Process of the Oxford County Budget Committee

S.P. 20 L.D. 12
(C "A" S-11)

An Act Regarding Persons Who May Draw Blood for Blood Tests

H.P. 196 L.D. 274
(C "A" H-21)

An Act to Clarify the Criteria for Renewal of Agency Liquor Store Licenses

H.P. 263 L.D. 367
(C "A" H-27)

An Act to Amend the Revised Maine Securities Act

S.P. 152 L.D. 472
(C "A" S-14)

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

An Act to Amend the Laws Prohibiting Terrorizing

H.P. 69 L.D. 82
(C "A" H-20)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Enhance Senior Volunteerism in Maine
S.P. 98 L.D. 237
(C "A" S-12)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Establish the Crime of Aggravated Criminal Trespass
S.P. 110 L.D. 307
(C "A" S-9)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education
H.P. 291 L.D. 399
(C "A" H-26)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Resolves

Resolve, to Change the Name of the Ridlonville Bridge between Rumford and Mexico to the Veterans Memorial Bridge
S.P. 25 L.D. 7
(C "A" S-10)

Resolve, to Create a Study Group Regarding Pharmaceutical Guidelines for Geriatric Residents in Long-term Care Settings
H.P. 326 L.D. 442
(C "A" H-24)

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1341

JOINT RESOLUTION RECOGNIZING PEACE EFFORTS IN NORTHERN IRELAND

WHEREAS, the celebration of St. Patrick's Day reminds us that for years Maine citizens and the people of the Republic of Ireland have sought peace in Northern Ireland; and

WHEREAS, Maine citizens are deeply gratified that peace is now possible in Northern Ireland; and

WHEREAS, former United States Senator George Mitchell has played a key role in bringing about peace in Northern Ireland; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, extend our heartfelt appreciation to the Honorable George Mitchell for his outstanding efforts in helping to establish peace in Northern Ireland; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Great Britain and the Taoiseach of the Republic of Ireland.

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you, Mr. President. Men and women of the Senate, it's a little late in the morning, but I do wish you the top of the morning. It's a great pleasure to rise this morning to take a moment to briefly acknowledge this great day, St. Patrick's Day, and acknowledge the great time that the Irish find themselves in these days as well as the great pride we of Irish-American decent find ourselves and being proud of where Ireland is. We often have suffered through some of the down times but now we can raise our heads and acknowledge that in the area of culture, whether it's through literature in the Cahill's of How the Irish Saved Civilization or McCourt's book on Angela's Ashes or the culture of Michael Flatley and his Lord of the Dance with the River Dances, there is a great renaissance in Ireland due, in no small part, to Ireland's own efforts in regards to its investments in education and its booming economy. It's something that we should be proud of, it's something they should be proud of, and I'm pleased that the rest of the world is starting to recognize the significance of Ireland and the spirit it brings to all of us. We're especially blessed, I think, today in dealing with this Resolution to recognize and honor one of our very own who has tied Ireland even more to this great state of ours and that is our own beloved George Mitchell. He has accomplished in the area of politics and peace what Ireland has for so long been unable to grasp and has made that link between the culture, the economics and now the politics something that makes Ireland hopeful beyond what it has been in the past several hundred years. So it's a great opportunity for us to at least for now metaphorically raise a glass to Ireland, to our own George Mitchell, and honor the work he has done and honor those who are in Ireland and those of us who have some tie to that Ireland who still remain here. So I urge you to join me in Passing this Resolution and sending it on its way. Thank you.

ADOPTED, in concurrence.

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 (3/16/99) Assigned matter:

JOINT RESOLUTION - relative to memorializing Congress to Increase Interstate Truck Weight Limits

S.P. 650

Tabled - March 16, 1999, by Senator **PINGREE** of Knox.

Pending - motion by Senator **MITCHELL** of Penobscot to **ADOPT**

(In Senate, March 16, 1999, on motion by Senator **MITCHELL** of Penobscot **READ**.)

ADOPTED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/16/99) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require Auctions for Confiscated Firearms"

H.P. 86 L.D. 99

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-39)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 16, 1999, by Senator **MURRAY** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

(In House, March 11, 1999, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39)**.)

(In Senate, March 16, 1999, Reports **READ**.)

Senator **RAND** of Cumberland requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you, Mr. President, men and women of the Senate. Very briefly I wanted to rise to explain a little bit about this Bill because the title is somewhat deceptive of what is now before us. The Bill, as you can see, is entitled "An Act to Require Auctions for Confiscated Firearms". The Committee, in its 12-1 vote, Amended that original Bill to allow for an auction to occur in much the same way that auctions now occur involving firearms and other seized assets by the Department of Inland Fisheries and Wildlife. Right now the firearms that are confiscated by police authorities throughout the state can be used by the authorities for training purposes, they can be destroyed, or they can be auctioned to federally licensed firearm dealers. We kept all of those options in the revised Amended Bill that's now before you and only added the opportunity to auction to the public, not just federally licensed firearm dealers, so that all those options remain. It is not a requirement that the auction take place, it simply allows that to occur. So I would urge you to join me and the other twelve members of the Criminal Justice Committee who supported this Amendment.

THE PRESIDENT: The Chair recognizes the Kennebec, Senator Carey.

Senator **CAREY:** Thank you, Mr. President. I'd like to pose a question to the good Senator from Penobscot.

THE PRESIDENT: The Senator from Kennebec, Senator Carey may pose his question.

Senator **CAREY:** In the change that you've made, Senator, have you taken into account the background checks of the person off the street who may in fact be securing one of these instruments?

THE PRESIDENT: The Senator from Kennebec, Senator Carey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you, Mr. President, men and women of the Senate. There were no changes made to the requirements for background checks and all of the requirements that are otherwise in place now in regards to the auctions that do take place by other agencies would be applicable in these circumstances as well.

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

Senator **CAREY:** Thank you, Mr. President. A further question if I may?

THE PRESIDENT: The Senator from Kennebec, Senator Carey may pose his question to the Chair.

Senator **CAREY:** I would like to pose a question to anyone who may answer as to whether or not, if a successful bidder on the spot gets the bid, would that successful bidder in turn have to wait for the delivery of the guns before it was awarded to him on his background check?

THE PRESIDENT: The Senator from Kennebec, Senator Carey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Penobscot, Senator Murray.

Senator **MURRAY:** Thank you, Mr. President. My understanding is that this is the case.

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

The Chair noted the absence of the Senator from Hancock, Senator Goldthwait, and the Senator from York, Senator Libby and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#40)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, HARRIMAN, KIEFFER, KILKELLY, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PENDLETON, PINGREE, RUHLIN, SMALL, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: RAND, TREAT

ABSENT: Senators: KONTOS, PARADIS

EXCUSED: Senators: GOLDTHWAIT, LIBBY

29 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent, and 2 Senators being excused, the motion by Senator **MURRAY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-39) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Bill "An Act to Close Elver Fishing on the West Bank of the Narramissic River" (EMERGENCY)

H.P. 6 L.D. 16

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-62)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62)**.

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

READ ONCE.

Committee Amendment "A" (H-62) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

ORDERS OF THE DAY

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

Bill "An Act to Deter Export of Unprocessed Timber and Increase Maine Employment in Timber Harvesting and Processing" H.P. 1300 L.D. 1861

Tabled - March 17, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 16, 1999, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

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

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

Bill "An Act to Change the Charter of the Eastport Port Authority" (EMERGENCY)

H.P. 1306 L.D. 1870

Tabled - March 17, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 16, 1999, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.)

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Prohibit the Scalping of Entertainment Tickets"
H.P. 1318 L.D. 1901

Tabled - March 17, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 16, 1999, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.)

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

Sent down for concurrence.

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

Bill "An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value"

H.P. 1325 L.D. 1908

Tabled - March 17, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In House, March 16, 1999, **REFERRED** to the Committee on **LABOR** and ordered printed.)

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

Sent down for concurrence.

Off Record Remarks

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

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Thursday, March 18, 1999, at 10:00 in the morning.