

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 1

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

Pages 1 - 746

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

In Senate Chamber
Thursday
March 18, 1999

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

Prayer by Senator Philip E. Harriman of Cumberland County.

SENATOR HARRIMAN: Thank you Mr. President. Good morning. May we be in the spirit of prayer. Father in Heaven, with deep faith and deeper need we turn to You. Every hour of the day we need You. Temptations lose their power when You are near. Bitterness fades away in Your presence. Resentments lose their weight and we are given courage to stand for what we believe to be right. If we are criticized because of the stand we take, if we are misunderstood in our decisions, may we not let the disagreements of others make us disagreeable. Nor may we allow a difference of our opinions make a difference in our relationships. And through it all help us to keep our faith in You and in justice and goodwill. Thus may Your kingdom come in us, and through us come to all men and women. Amen.

Doctor of the day, Paul Dumdey, M.D., Woolwich.

Reading of the Journal of Wednesday, March 17, 1999.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P. 684

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, March 23, 1999 at 9 o'clock in the morning and when the Senate stands Adjourned it does so until Tuesday, March 23, 1999 at 10 o'clock in the morning.

READ and PASSED.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Debt Issued by the Maine Governmental Facilities Authority

S.P. 659 L.D. 1881

In Senate, March 16, 1999, REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and ordered printed.

Comes from the House, REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed, in NON-CONCURRENCE.

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

House Papers

Bill "An Act to Promote Economic Development in Eastern Maine"

H.P. 1336 L.D. 1919

Bill "An Act to Establish the Maine Internet Policy Act"

H.P. 1339 L.D. 1922

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 Certain Laws Affecting the State Legislature"

H.P. 1335 L.D. 1918

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.

Bill "An Act to Prevent Conflicts of Interest"

H.P. 1337 L.D. 1920

Comes 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 Promote Land Conservation at the Local Level"
H.P. 1338 L.D. 1921

Comes 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 Encourage Growth and Development in Cumberland County"
H.P. 1334 L.D. 1917

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

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

On motion by Senator **RUHLIN** of Penobscot, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

SENATE PAPERS

Resolve, to Reinstate Emergency Assistance for Dependents of Veterans
S.P. 688 L.D. 1934

Sponsored by Senator **BENNETT** of Oxford.

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

Sent down for concurrence.

Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"
S.P. 689 L.D. 1935

Sponsored by President **LAWRENCE** of York.
Cosponsored by Representative **SAXL** of Portland and Senators: **CATHCART** of Penobscot, **DOUGLASS** of Androscoggin, **PARADIS** of Aroostook, Representative: **POVICH** of Ellsworth.

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

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

Bill "An Act to Fund a Minimum Level of Services for Deaf and Hard-of-Hearing Persons in all Regions of the State"
S.P. 693 L.D. 1939

Sponsored by Senator **TREAT** of Kennebec.
Cosponsored by Senators: **PARADIS** of Aroostook, **PINGREE** of Knox, **RAND** of Cumberland, Representatives: **McDONOUGH** of Portland, **WATSON** of Farmingdale.

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

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

Bill "An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies"
S.P. 687 L.D. 1933

Sponsored by Senator **HARRIMAN** of Cumberland.

Bill "An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses"
S.P. 690 L.D. 1936

Sponsored by Senator **HARRIMAN** of Cumberland.

Bill "An Act to Allow the State to Obtain a Defendant's Medical Records in Cases Involving OUI"
S.P. 691 L.D. 1937

Sponsored by Senator **HARRIMAN** of Cumberland.

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

Sent down for concurrence.

Bill "An Act Regarding Involuntary Commitment for Substance Abuse"
S.P. 695 L.D. 1941

Sponsored by Senator **DAGGETT** of Kennebec.
Cosponsored by Senator: **BENOIT** of Franklin, Representative **BRENNAN** of Portland.

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

Sent down for concurrence.

Bill "An Act to Recognize Veterans of the Persian Gulf Conflict"
S.P. 692 L.D. 1938

Sponsored by President **LAWRENCE** of York.
Cosponsored by Senators: **CAREY** of Kennebec, **DAGGETT** of Kennebec.

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

Sent down for concurrence.

Bill "An Act to Create Standards of Eligibility Governing Certain Tax-exempt Organizations and to Phase in a Reduction of the Rate of Exemption to Reflect the Cost of Providing Essential Municipal Services"

S.P. 694 L.D. 1940

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Senator CATHCART of Penobscot and
Senators: MILLS of Somerset, RAND of Cumberland,
Representative: SAXL of Bangor.

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

Sent down for concurrence.

ORDERS

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Representative NORBERT of Portland and Senator KILKELLY of Lincoln, Senator RAND of Cumberland), the following Joint Resolution: S.P. 685

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease is a brain disorder that usually affects adults over 40, although it can appear in younger persons; and

WHEREAS, Parkinson's disease, or paralysis agitans, is a devastating, painful and incurable brain disorder of unknown origin that disrupts and can end the lives of those who suffer from it as well as overwhelming the lives of their families and friends; and

WHEREAS, more individuals suffer from Parkinson's disease than multiple sclerosis, muscular dystrophy and Lou Gehrig's disease combined; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological and physical toll on the families surrounding their suffering loved ones; and

WHEREAS, Parkinson's disease appears in approximately one in 4 persons older than 80 years of age and in one in 10 persons older than 60 years of age, thereby directly touching the lives of at least one in 10 families in the State; and

WHEREAS, according to the American Parkinson Disease Association there are approximately 1.5 million people in the United States diagnosed with Parkinson's disease, of which 7,000 or more are in the State of Maine; and

WHEREAS, the symptoms of Parkinson's disease--stillness, tremors, slowness, poor movement and difficulty with balance

and speaking--are often mistaken as a normal part of the aging process; and

WHEREAS, the cause of the disease is unknown and drugs can only control some of the symptoms of Parkinson's disease for a short period of time; and

WHEREAS, April 11th has been proclaimed to be World Parkinson's Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, increased education and research are needed to help find more effective treatments and ultimately a cure for Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and to the American Parkinson Disease Association, Maine Chapter.

READ.

On motion by Senator PINGREE of Knox, **TABLED** until Later in Today's Session, pending motion by President **LAWRENCE** of York to **ADOPT**.

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of President LAWRENCE of York (Cosponsored by Speaker ROWE of Portland and Representative CAMPBELL of Holden, Representative COWGER of Hallowell, Representative DAVIDSON of Brunswick, Senator CAREY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution: S.P. 686

JOINT RESOLUTION MEMORIALIZING THE FEDERAL COMMUNICATIONS COMMISSION TO SUPPORT A SINGLE AREA CODE FOR THE STATE

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 Federal Communications Commission, as follows:

WHEREAS, the citizens of the State of Maine currently share a single telephone area code throughout the State; and

WHEREAS, a single telephone area code provides for nearly 8,000,000 telephone numbers for a population of only 1,200,000 people; and

WHEREAS, the current method for assigning blocks of telephone numbers is inefficient and wasteful, resulting in the assignment of more than 5,000,000 telephone numbers in Maine, most of which are unused and unusable; and

WHEREAS, this inefficient and wasteful system now threatens the loss of a single area code in Maine; and

WHEREAS, the costs and inconvenience to both residential and commercial telephone users of being forced to accept a 2nd telephone area code within the State are enormous; and

WHEREAS, technology will soon be available which will allow for a 10-fold increase in the efficiency of assigning telephone numbers; and

WHEREAS, the Federal Communications Commission has prevented the Maine Public Utilities Commission and the utility regulators of other states from implementing code conservation measures; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby urge the Federal Communications Commission to permit the Maine Public Utilities Commission to implement code conservation measures at this time in order to temporarily avoid the need to go to a 2nd area code for Maine until such time as the technology is available for efficient number administration; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Federal Communications Commission.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act to Allow Special-use Access over Discontinued Municipal and County Roads"

H.P. 874 L.D. 1231

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Hunting Implements"

H.P. 286 L.D. 394

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, to Permit the Maine Warden Service to Return a Donated All-terrain Vehicle to the Donor

H.P. 349 L.D. 465

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LABOR** on Bill "An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council"

H.P. 642 L.D. 892

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

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law" (EMERGENCY)

H.P. 647 L.D. 897

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-61)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61)**.

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

READ ONCE.

Committee Amendment "A" (H-61) **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-61)**, in concurrence.

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

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Mexico Water District Charter"

H.P. 50 L.D. 64

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-60)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-60)**.

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

READ ONCE.

Committee Amendment "A" (H-60) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Mars Hill Utility District"

H.P. 96 L.D. 109

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-59)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59)**.

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

READ ONCE.

Committee Amendment "A" (H-59) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers"

H.P. 399 L.D. 541

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-57)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-57)**.

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

READ ONCE.

Committee Amendment "A" (H-57) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Lien Enforcement Procedure for the Topsham Sewer District"

H.P. 409 L.D. 551

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-58)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58)**.

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

READ ONCE.

Committee Amendment "A" (H-58) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to the Protection of Maine Consumers in the Telecommunications Market" (EMERGENCY)

H.P. 428 L.D. 570

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-56)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56)**.

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

READ ONCE.

Committee Amendment "A" (H-56) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Repeal the Chemical Substance Identification Law"

H.P. 432 L.D. 574

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-53)**.

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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

Signed:

Representative:

GOODWIN of Pembroke

Comes from the House with 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-53)**.

Reports **READ**.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-53) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act to Require Auctions for Confiscated Firearms"

H.P. 86 L.D. 99
(C "A" H-39)

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

ENACTORS

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

Act

An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices

H.P. 339 L.D. 455

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **ENACTMENT**, 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 (3/11/99) Assigned matter:

Bill "An Act to Renew Maine's Economy"

S.P. 569 L.D. 1636

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

Pending - **FURTHER CONSIDERATION**

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

(In Senate, March 4, 1999, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.)

(In House, March 10, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.)

On motion by Senator **PINGREE** of Knox, the Senate **INSISTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/11/99) Assigned matter:

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

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

Pending - **FURTHER CONSIDERATION**

(In Senate, March 2, 1999, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 10, 1999, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-54)**, in **NON-CONCURRENCE**.)

On motion by Senator **PINGREE** of Knox, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (3/11/99) Assigned matter:

Bill "An Act to Establish the North Atlantic Cold Water Observatory"
S.P. 647 L.D. 1827

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

Pending - **REFERENCE**

(Joint Select Committee on **RESEARCH AND DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **PINGREE** of Knox, **REFERRED** to the Committee on **MARINE RESOURCES** and the Joint Select Committee on **RESEARCH AND DEVELOPMENT**.

Sent down for concurrence.

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

Bill "An Act to Make More Uniform the Training of Firefighters"
S.P. 656 L.D. 1878

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

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

REFERRED to the Committee on **CRIMINAL JUSTICE**.

Sent down for concurrence.

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

Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **KILKELLY** of Lincoln 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.

Off Record Remarks

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

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act to Close Elver Fishing on the West Side of the Orland River

H.P. 6 L.D. 16
(C "A" H-62)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

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

ENACTORS

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

Emergency Mandate

An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law

H.P. 647 L.D. 897
(C "A" H-61)

On motion by Senator **MICHAUD** of Penobscot, **TABLED 1** Legislative Day pending **ENACTMENT**.

ORDERS OF THE DAY

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

An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices

H.P. 339 L.D. 455

Tabled - March 18, 1999 by Senator **PINGREE** of Knox.

Pending - **PASSAGE TO BE ENACTED**, in concurrence.

(In House, March 17, 1999, **PASSED TO BE ENACTED**.)

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

Senator **RUHLIN:** Thank you Mr. President. I would like to request a Roll Call and would like to speak to the motion afterwards.

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

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

Senator **RUHLIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, this Bill, and excuse me for a moment, I really do hesitate to call it a Bill for a Bill assists us in living together in a fashion, in a manner, that is civilized and caring for each other in an orderly fashion. That is what legislation is supposed to do. This proposed legislation is a solution looking for a problem. It doesn't exist. On its very best day it could be termed anti-consumerism. I hesitate in these Chambers to tell you what it could be called on its worst day. However, before us is a piece of legislation, so-called, that really cannot stand the test of need. Why do we need this? We can drive down the road, look at the prices posted and make a decision. We're supposedly intelligent consumers. If we see that price we can make that decision. If we don't see the price we can't make an intelligent decision. Pure and simple. We make the choices now. Nobody is going to turn off the gas pump because we make those choices. The world's not going to come to an end tomorrow. The gas pumps are not going to turn off. We have the information upon which we can base an intelligent decision now. A problem does not exist now. This Bill cannot exist now either. Thank you, Mr. President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#41)

YEAS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, CATHCART, DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KONTOS, LONGLEY, MACKINNON, MILLS, MITCHELL, MURRAY, PINGREE, SMALL**

NAYS: Senators: **CAREY, KILKELLY, LAFOUNTAIN, MICHAUD, O'GARA, PARADIS, PENDLETON, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

ABSENT: Senator: **NUTTING**

EXCUSED: Senators: **DOUGLASS, LIBBY**

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, and with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 23, 1999, at 10:00 in the morning.