

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Nineteenth Legislature
State of Maine

Volume 3

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October 14, 1999

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

In Senate Chamber
Tuesday
February 29, 2000

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

Prayer by Rabbi Paul Cohen of Congregation Bet Ha'am in Portland.

RABBI COHEN: Dear friends, I am honored to be here this morning with you as you continue the most important work of serving the people of the State of Maine. As I was thinking about words that I might share with you, I turned to the scriptural reading for this week from the book of Exodus. We are reading about the building of the tabernacle, a holy, spiritual center that the Israelites were to carry with them as they journeyed in the wilderness. Every aspect of its construction was to be guided by people whose hearts moved them. Both the artisans and those from the community who brought the material, all whose hearts so moved them. This seems to me to be at the very core of the reason you are all here this morning. Your hearts have been moved by a call to service. Each of you has felt a certain gift, a talent, an insight that moved you into the work of serving the public good.

My prayer for you this morning and every morning is that the spirit that caused your heart to be moved to help others will remain ever bright and vibrant, guiding you to make the decisions that make our great state stronger because they are decisions coming from the heart that is moved to served others. Decisions that seek to lift up every human being in dignity. Decisions that create the kind of services in our community that work for the good and protection of all people, regardless of race, creed, religion, gender, sexual orientation, or political affiliation. May you be strengthened to listen to the voice of conscience in each and every deliberation and may we all be granted the choicest of blessings, the blessing of peace. Amen.

Pledge of Allegiance led by Senator Richard Ruhlin of Penobscot County.

Doctor of the day, Marie Guay, D.O., York.

Reading of the Journal of Friday, February 25, 2000.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 522

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

February 18, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2159 An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud
Senate Chair

S/Rep. Elizabeth Townsend
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 523

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

February 18, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 675 An Act to Amend Consumer Protection Laws with Respect to Internet Service
- L.D. 952 An Act to Reduce Unsolicited Communications from the Internet
- L.D. 1414 Resolve, to Support Downtown Revitalization through the Location of State Facilities and Targeting Economic Development Funding
- L.D. 2385 An Act to Allow Maine Pharmacies to Operate more Efficiently and Improve the Delivery of Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Carol A. Kontos
Senate Chair

S/Rep. Gary O'Neal
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 524

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

February 10, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1202 An Act to Ensure Just Sentences
- L.D. 2455 An Act to Provide Parity for Federal Drug Enforcement Agents in the State of Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Robert E. Murray, Jr.
Senate Chair

S/Rep. Edward J. Povich
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 525

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 18, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 933 An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube
Senate Chair

S/Rep. Michael F. Brennan
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 526

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

February 18, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2384 An Act to Protect State Taxpayers and State Jobs

L.D. 2501 An Act to Strengthen Maine's Corporate Accountability Law

**119TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

February 14, 2000

Sincerely,

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

S/Sen. Richard P. Ruhlman S/Rep. Kenneth T. Gagnon
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

Dear Secretary O'Brien:

Pursuant to my authority under Title 24-A, Subsection 4322, I have appointed Dennis Fitzgibbons of South Portland to the Consumer Health Care Advisory Council.

Please let me know if you have questions regarding this appointment.

Sincerely

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 528

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
AND
JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**

The Following Communication: S.C. 530

**119TH MAINE LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 15, 2000

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources and the Joint Select Committee on Research and Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1827 An Act to Establish the North Atlantic Cold Water Observatory

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. David Etnier
Senate Chair House Chair

S/Sen. Carol Kontos S/Rep. Scott Cowger
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

February 14, 2000

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 24-A, Subsection 4322, I have appointed Senator LaFountain of York to the Consumer Health Care Advisory Council.

Please let me know if you have questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 529

The Following Communication: S.C. 531

119TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT

February 25, 2000

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under M.R.S.A. 38, Subsection 343-D, I have appointed Michael Belliveau of Augusta to the Pollution Prevention Advisory Committee.

Please let me know if you have questions regarding this appointment.

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Order

On motion by Senator O'GARA of Cumberland, the following Joint Order: S.P. 1021

ORDERED, the House concurring, that the Joint Standing Committee on Transportation report out, to the Senate, a bill to implement the transportation recommendations of the task force created to review smart growth patterns of development.

READ and PASSED.

Sent down for concurrence.

Expression of Legislative Sentiment recognizing:

The University of Maine Cooperative Extension 4-H program. The program provides a wide variety of learning experiences for over 30,000 Maine youth ages 5 through 19. The program helps them build character, leadership, responsibility, respect and other essential life skills. We extend our appreciation to workers of the program for all their efforts in helping the youth of Maine; SLS 427

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Senator NUTTING of Androscoggin, Senator KILKELLY of Lincoln, Senator KIEFFER of Aroostook, Representative STEVENS of Orono, Representative WILLIAMS of Orono, Representative PIEH of Bremen, Representative CROSS of Dover-Foxcroft.

READ.

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

Senator **CATHCART:** Thank you Mr. President. I'm very proud and honored to recognize the 4-H program of the University of Maine Cooperative Extension today and to welcome them to our beautiful State House. The program, 4-H, serves over 30,000 young people in the State of Maine, ages 5 - 19 and they're in all 16 of Maine's counties. The University of Maine, the State's Land Grant and Research University, located in the beautiful town of Orono, operates the Maine Cooperative Extension program and they operate 4-H which is, as I said, a statewide, excellent youth development program. It's wonderful to have them here and I just want to relate a very brief story from my own 4-H experience. When I was in 4th or 5th grade, it was when I started learning how to cook. I was a 4-H club member. I won a red ribbon for my muffins at the Sunflower County Livestock Fair. So 4-H has a lot of personal meaning to me. It was a great organization to belong to and I'm so proud that we have it here. Thank you very much Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you Mr. President. I regret that my button appears to not be working, so I leaped to my feet. I am very pleased to be a co-sponsor of this Resolution as a former 4-H member. As a matter of fact, Senator Small and I were in 4-H together more years ago than I care to count at this point in time. But it was truly a wonderful experience and I think it's particularly valuable for young people who live in rural areas to provide them with really marvelous opportunities to hone their skills and to understand more about working together and also how to maintain a lot of the rural culture and the rural activities that are important to our State. I'd also like to point out that on the second floor today there are a number of displays from Cooperative Extension, not just 4-H, although many of these 4-Her's were downstairs this morning with their displays, which were marvelous, but also from the rest of the Cooperative Extension. As a member of the Agriculture Committee I would like to really invite you to come down and take a look at that because there's a lot going on in Cooperative Extension and a lot going on in 4-H. It's a great day to celebrate that. Thank you.

PASSED.

Sent down for concurrence.

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

Off Record Remarks

REPORTS OF COMMITTEES

House
Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1801 L.D. 2528

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.

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act to Amend Truck Weights"

H.P. 1643 L.D. 2303

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-804)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-804)**.
Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-804) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require the Labeling of Irradiated Food Sold at Retail"

H.P. 1378 L.D. 1985

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

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln

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

Signed:

Representatives:

VOLENIK of Brooklin
COWGER of Hallowell

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to Build the Capitol Park Connector Trail"

H.P. 1642 L.D. 2302

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

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
MAILHOT of Lewiston
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

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

Signed:

Representatives:

BERRY of Livermore
POWERS of Rockport
TESSIER of Fairfield

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Three Hunters to Hunt Deer Together"

H.P. 704 L.D. 971

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-799)**.

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
TRACY of Rome
COTE of Lewiston

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

Signed:

Representative:

DUNLAP of Old Town

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-799)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-799) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel"

H.P. 972 L.D. 1370

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

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

TRAHAN of Waldoboro
HONEY of Boothbay
DUNLAP of Old Town
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
TRACY of Rome
COTE of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-806)**.

Signed:

Representatives:

CHICK of Lebanon
PERKINS of Penobscot

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the Maintenance of Private Roads"

H.P. 332 L.D. 448

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-793).**

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
JODREY of Bethel
RICHARDSON of Greenville

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

Signed:

Representative:

KASPRZAK of Newport

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-793).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-793) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act Relating to the Crime of Murder and to the Murder of Children"

S.P. 154 L.D. 474

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-511).**

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

READ ONCE.

Committee Amendment "A" (S-511) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator **MURRAY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Department of Corrections Statutes"
S.P. 896 L.D. 2315

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-512).**

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

READ ONCE.

Committee Amendment "A" (S-512) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Senator **FERGUSON** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Law Relating to the Renewal of Liquor Licenses"
S.P. 883 L.D. 2298

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-509).**

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

READ ONCE.

Committee Amendment "A" (S-509) **READ** and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the Marketable Skills of University of Maine System Students"
S.P. 960 L.D. 2500

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

Signed:

Senators:

MICHAUD of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
BRUNO of Raymond
NASS of Acton
WINSOR of Norway

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

Signed:

Senator:

CATHCART of Penobscot

Representative:

STEVENS of Orono

Reports **READ**.

Senator **MICHAUD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

House As Amended

Bill "An Act Regarding Taxation of Clean Vehicle Fuels"
H.P. 940 L.D. 1337
(C "B" H-788)

Bill "An Act to Encourage Environmental Management Systems"
H.P. 1072 L.D. 1519
(C "A" H-801)

Bill "An Act to Require the Department of Defense, Veterans and Emergency Management to Report to the Legislature on Matters Related to State Veterans Laws"
H.P. 1661 L.D. 2330
(C "A" H-797)

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

Senate

Bill "An Act to Amend the Qualifying Examination for Initial Teacher Certification"

S.P. 937 L.D. 2387

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Allow Certain Aquaculture Activities by Rule"
S.P. 567 L.D. 1634

(C "A" S-508)

Bill "An Act to Allow Other New England States to Join the Tri-state Lotto Compact"

S.P. 877 L.D. 2292

(C "A" S-506)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Provide Health Insurance Benefits to Dwight Parsons
S.P. 852 L.D. 2251
(C "A" S-481)

Senator **MICHAUD** of Penobscot moved the Bill be placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

Emergency Measure

An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors

S.P. 861 L.D. 2259

(C "A" S-477)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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 Clarify the Laws Governing Service of Protection from Harassment Orders in Court

H.P. 1624 L.D. 2271

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.

Acts

An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit

H.P. 768 L.D. 1091
(C "A" H-785)

An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District

H.P. 1042 L.D. 1464
(C "A" H-773)

An Act to Provide Degree-granting Authority to the SALT Institute for Documentary Field Studies

S.P. 862 L.D. 2260
(C "A" S-476)

An Act to Expand the Maine Technology Institute Board

H.P. 1636 L.D. 2287

An Act to Make Minor Changes to the Community Development Definitions to Maintain Compatibility with Federal Regulations

S.P. 885 L.D. 2300

An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License

H.P. 1654 L.D. 2323

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 Provide Funding to the Maine Center for the Blind and Visually Impaired

H.P. 123 L.D. 154
(C "A" H-772)

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

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

H.P. 894 L.D. 1251
(C "B" H-783)

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

An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code

H.P. 1613 L.D. 2256
(C "A" H-779)

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

Resolves

Resolve, to Provide Funds to the Bureau of Veterans' Services to Enhance the Efficiency of Regional Field Offices in Delivering Services to Veterans

H.P. 1667 L.D. 2336
(C "A" H-780)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

Resolve, to Provide Funds to Assist in the Expansion of the Maine Veterans' Memorial Cemetery System

H.P. 1668 L.D. 2337
(C "A" H-775)

On motion by Senator **MICHAUD** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: We will be awarding the Legislative Scholarships at this time and we will be on the Record so any remarks made are on the Record. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

Senator **RUHLIN**: Thank you Mr. President. Honorable Senators of Maine, it gives me a distinct pleasure this morning to recognize sixteen of our students in the State of Maine who, through a very rigorous and intense selection process, have been the ones to be awarded the Legislative Scholarships. Just to remind you, these are the scholarships that result from our own Legislative Memorial Scholarship Fund. These students have shown through their aspirations that they are going to be, hopefully, our leaders of the future. I look forward to that. Through their aspirations and through their own drive and determination, they will enhance not only the quality of their own lifestyle through their education, but also enhance Maine's opportunities for a better and brighter future. It's a real pleasure to welcome them here this morning. I hope you will join me in welcoming them and their parents. Thank you Mr. President.

THE PRESIDENT: What we will be doing at this point is I will announce each recipient of a Legislative Scholarship individually. I'll ask them to come to the Well of the Chamber. Some of them are accompanied by family members who are also welcome to come to the Well of the Chamber and I will ask the Senator, if they are here, who represents their district to come to the Well of the Chamber and the Senator from Penobscot, Senator Ruhlin, will present the check at that time. I believe we have eight scholarships to present.

The Sergeant-At-Arms will escort the Senator from Penobscot, Senator Ruhlin, to the Well of the Chamber and he is instructed to bring the checks.

Sarah Anderson from Oakland in Kennebec County. She is represented by the Senator from Kennebec, Senator Carey, and accompanied by Joyce and Maurice Anderson. She will be attending the College of the Atlantic and studying Human Ecology.

Angie Dinsmore from Caribou. She is represented by the Senator from Aroostook, Senator Kieffer. She is here with Mary Dinsmore. She will be attending the University of Maine where she will be studying Chemical Engineering and Business.

Josh Kingsbury from Brewer. He is represented by the Senator from Penobscot, Senator Ruhlin. He is here with Julie and Stephen Kingsbury and Sue Burke. He will be attending Bowdoin College and will be studying Biology.

Bernadette Williams from Belfast. She is represented by the Senator from Waldo, Senator Longley. She is here with Ken and Jennifer Williams. She will be attending the University of Southern Maine and studying mathematics.

Jennifer Giles from Boothbay. She is represented by the Senator from Lincoln, Senator Kilkelly. She is here with Carol and Mike Giles. She will be attending the University of Maine and studying communication disorders.

Alana Burns from Union. She is represented by the Senator from Knox, Senator Pingree. She is accompanied by Cindy and Tim Burns. She will be attending Bates College.

Sharon Hupe from Topsham. She is represented by the Senator from Sagadahoc, Senator Small. She is here with Salvatore Sciascia. She will be attending Unity College and studying adventure education, outdoor recreation, and leadership.

C. Eric Legris from Lubec. He is represented by the Senator from Washington, Senator Cassidy. He will be attending Bowdoin College and studying economics.

The Chair would ask all the recipients to rise and receive the recognition of the Senate.

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

Senator **RUHLIN**: Thank you Mr. President. Before we conclude this short ceremony, I feel it appropriate to thank the members of the Legislative Committee who not only work on raising the funds and so forth, but there is a certain group of them who spend many hours during the summer and early fall reviewing all those applications. Those members of the Committee and MES, who also help gather the things up and help the process along, are really fundamental to the success of the selection process. It's a rigorous process. I am very pleased and have been very impressed with the selections that we've come up with. Without the help of those individuals and MES we would not be successful in our selection of candidates. Thank you.

THE PRESIDENT: The Chair would like to announce there were several students who could not be here today who will receive scholarships. They are Jennifer Beaulieu from Androscoggin County; Amanda Myers from Cumberland County; Brian Hinkley from Franklin County; Justin Ossolinski from Hancock County, Alison Drury from Oxford County, Kristin Daigle from Piscataquis County, Fawn Albert from Somerset County, Nissa Lohrmann from York County.

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Create a Local Option Sales and Use Tax"
S.P. 291 L.D. 809

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

Signed:

Representatives:

LEMOINE of Old Orchard Beach
CIANCHETTE of South Portland
STANLEY of Medway
DAVIDSON of Brunswick
MURPHY of Berwick
BUCK of Yarmouth
LEMONT of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-513)**.

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
COLWELL of Gardiner

Reports **READ**.

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

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

H.P. 1856 L.D. 2592

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

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

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

PAPERS FROM THE HOUSE

House Paper

Pursuant to Public Law

Joint Standing Committee on Education and Cultural Affairs

The **Joint Standing Committee on Education and Cultural Affairs** pursuant to Public Law 1999, chapter 424, Part A, section 11 asked leave to report that the accompanying Bill "An Act to Extend the Use of Emotional Disability as an Indicator in the Identification of Exceptional Children"

H.P. 1858 L.D. 2593

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Department of Labor**

The **Department of Labor**, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor (EMERGENCY)

H.P. 1852 L.D. 2590

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

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

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

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

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. 1853

JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO SUPPORT THE PRESIDENT'S SCHOOL RENOVATION AND REPAIR INITIATIVE

House

Refer to the Committee on Utilities and Energy Pursuant to Joint Order (H.P. 1560)

WHEREAS, WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Maine Congressional Delegation as follows:

WHEREAS, many communities across the State continue to struggle with unmet school construction needs due to growing student populations, overcrowded schools and the significant increase in the use of portable leased classrooms; and

WHEREAS, existing conditions in certain public schools create a serious inability to provide appropriate educational programs and services consistently throughout the State and constitute a threat to the health, safety and general welfare of the children of the State; and

WHEREAS, the Governor's School Facilities Commission conducted a comprehensive review to determine the true scope of local school construction needs throughout the State and identified \$200,000,000 in necessary renovations and school units have applied for a total of \$73,500,000 for health and safety repairs; and

WHEREAS, the Maine State Legislature has demonstrated a serious commitment to Maine schools by appropriating \$20,300,000 during the One Hundred and Eighteenth Legislature and \$23,400,000 during the One Hundred and Nineteenth Legislature to the revolving loan fund for renovation and repair; and

WHEREAS, President Clinton has proposed to use \$3,700,000,000 in tax credits over 5 years to help local governments issue nearly \$25,000,000,000 worth of bonds to renovate about 6,000 schools across the country, as well as \$1,300,000,000 for school renovations and repairs in high-need school districts with little or no capacity to fund urgent needs; and

WHEREAS, combining federal funds with state funds would dramatically increase the State's ability to meet our school renovation and repair goals; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Maine Congressional Delegation support the President's school renovation and repair proposal; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

The Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to Telemarketing"

H.P. 1855 L.D. 2591

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**, pursuant to Joint Order H.P. 1560.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

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

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

COMMUNICATIONS

The Following Communication: H.P. 1859

STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

February 28, 2000

Honorable Joseph Mayo
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk Mayo:

Enclosed please find my official certification to the 119th Legislature of the citizen initiative petition entitled, "An Act Regarding Forest Practices."

Sincerely,

S/Dan A. Gwadosky
Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 43,745 electors of this State were addressed to the Legislature of the State of Maine and were filed in the Office of the Secretary of State on January 31, 2000, requesting that the Legislature consider an act entitled, "An Act Regarding Forest Practices."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 42,101.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-eighth day of February in the year two thousand.

S/Dan A. Gwadosky
Secretary of State

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

The accompanying Bill:

"An Act Regarding Forest Practices"
(I.B. 5) (L.D. 2594)

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

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

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (2/25/00) Assigned matter:

Bill "An Act Requiring Legislative Approval of Ecological Reserves"

S.P. 157 L.D. 477
(C "A" S-500)

Tabled - February 25, 2000, by Senator **NUTTING** of Androscoggin.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, February 25, 2000, **READ A SECOND TIME.**)

On motion by Senator **NUTTING** of Androscoggin, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-500).

On further motion by same Senator, Senate Amendment "A" (S-510) to Committee Amendment "A" (S-500) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Ladies and gentlemen of the Senate, this is a unanimous Committee Report. This is just a drafting error. When the Amendment came out of Committee, it was in a singular form. It was going to be one ecological reserve. This makes it plural, it's quite a few small ecological reserves. That's all it does. Thank you.

On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "A" (S-510) to Committee Amendment "A" (S-500) **ADOPTED.**

Committee Amendment "A" (S-500) as Amended by Senate Amendment "A" (S-510) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-500) AS AMENDED BY SENATE AMENDMENT "A" (S-510) thereto.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, until Tuesday, March 3, 2000, at 10:00 in the morning.