

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

In Senate Chamber
Friday
February 18, 2000

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

Prayer by Chaplain Glenn Palmer of the Maine Army National Guard.

CHAPLAIN PALMER: Let's bow our heads in prayer. Exciting and life-giving God, all we have and all we are is a gift from You. A sign of Your good nature and character. We humbly ask You that You be present with and for these people gathered here this day, regardless of Party or persuasion. May they do their best to serve You as they serve their neighbor in this great State that we call Maine. We pray for all this and so much more. Now and always. Amen.

Doctor of the day, A. Jan Berlin, M.D., South Freeport.

Reading of the Journal of Tuesday, February 15, 2000.

Out of order and under suspension of the Rules, on motion by Senator PINGREE of Knox, the following Joint Order:
S.P . 998

ORDERED, the House concurring, that when the House and Senate adjourn the House does so until Tuesday, February 22, 2000, at 9 o'clock in the morning and the Senate does so until Tuesday, February 22, 2000, at 10 o'clock in the morning.

READ and PASSED.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 491

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1640 An Act Regarding Service Contracts
- L.D. 1787 An Act Regarding Dependent and Family Coverage in the State Employee Health Insurance Program

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

Sincerely,

S/Sen. Lloyd P. LaFountain III Senate Chair	S/Rep. Jane W. Saxl House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 492

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 11, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 975 An Act to Establish a Mental Health, Human Services and Corrections Ombudsman

L.D. 1290 An Act to Create the Position of Ombudsman in the Department of Human Services

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

L.D. 1984 An Act to Establish Department of Human Services Review Panels

Sincerely,

L.D. 2273 An Act Regarding Asthma Management Education

S/Sen. Beverly C. Daggett
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

L.D. 2305 An Act to Amend the Child Care Licensing Laws

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

L.D. 2358 An Act to Ban Smoking in Enclosed Areas of Places Licensed for the Sale of Food or Alcohol

L.D. 2360 An Act to Provide Equitable Delivery of Mental Health Services

The Following Communication: S.C. 494

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

L.D. 2463 An Act to Establish the Tobacco Smokers Medical Fund

February 10, 2000

L.D. 2465 An Act to Enhance Day Care Opportunities for Latchkey Children

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

L.D. 2475 An Act to Encourage Assisted Living Facilities Projects in the State

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":

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

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

L.D. 2347 An Act to Require Oversight of Strategic Planning Conducted by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Including Long-term Care Needs of the Chronically Mentally Ill

The Following Communication: S.C. 493

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

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

February 10, 2000

Sincerely,

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

S/Sen. Michael H. Michaud
Senate Chair

S/Rep. Elizabeth Townsend
House Chair

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

Dear President Lawrence and Speaker Rowe:

The Following Communication: S.C. 495

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

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

L.D. 2349 An Act to Allow Video Lottery Terminals

February 11, 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. 2420 Resolve, to Enhance Opportunities in Math and Science for Maine Students

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

Sincerely,

S/Sen. Michael H. Michaud S/Rep. Elizabeth Townsend
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 496

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1001 An Act to Repeal Term Limits

L.D. 1876 An Act to Reform County Governance

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

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. Douglas J. Ahearne
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 497

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

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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2413 An Act to Maintain Maine's Traditional Town Line Signs

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

Sincerely,

S/Sen. William B. O'Gara S/Rep. Joseph M. Jabar, Sr.
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 498

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

February 11, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2332 An Act Concerning Motor Vehicle Registration and Title Fees for Certain Veterans' License Plates

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

Sincerely,

S/Sen. William B. O'Gara
Senate Chair

S/Rep. Joseph M. Jabar, Sr.
House Chair

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

The Following Communication: S.C. 499

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 16, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Horace Hildreth, Jr. of Falmouth, for reappointment to the Outdoor Heritage Fund Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Nutting of Androscoggin
	Representatives	7	Martin of Eagle Lake, Clark of Millinocket, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, Tobin of Windham
NAYS		0	
ABSENT		5	Sen. Treat of Kennebec, Rep. Cameron of Rumford, Rep. Cowger of Hallowell, Sen. Libby of York, Rep. McKee of Wayne

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Horace Hildreth, Jr. of Falmouth, for reappointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and **ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#278)

YEAS: Senators: None

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

ABSENT: Senators: CAREY, KIEFFER, KONTOS, LIBBY, SMALL

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Horace Hildreth, Jr.** of Falmouth, for reappointment to the Outdoor Heritage Fund Board was **CONFIRMED.**

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 500

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 16, 2000

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 119th Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Richard A. Fortier of Caribou, for reappointment to the Outdoor Heritage Fund Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Nutting of Androscoggin
	Representatives	7	Martin of Eagle Lake, Clark of Millinocket, Daigle of Arundel, Duplessie of Westbrook, Etnier of Harpswell, Joy of Crystal, Tobin of Windham
NAYS		0	
ABSENT		5	Sen. Treat of Kennebec, Rep. Cameron of Rumford, Rep. Cowger of Hallowell, Sen. Libby of York, Rep. McKee of Wayne

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Richard A. Fortier of Caribou, for reappointment to the Outdoor Heritage Fund Board be confirmed.

Signed,

S/Sharon Anglin Treat
Senate Chair

S/John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#279)

YEAS: Senators: None

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

ABSENT: Senators: CAREY, KIEFFER, KONTOS, LIBBY, SMALL

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and nomination of **Richard A. Fortier** of Caribou for reappointment to the Outdoor Heritage Fund Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 505

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

February 15, 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 38, M.R.S.A., Section 1453-A, I have appointed Stephen Jarrett of Wiscasset to the Advisory Commission on Radioactive Waste and Decommissioning.

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. 506

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

February 16, 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 Chapter 410, subsection 20065, P.L. 1993, I have appointed Senator Betty Lou Mitchell of Penobscot to the Substance Abuse Services Commission. She will serve as the Senate member from the Joint Standing Committee on Health and Human Services.

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

Sincerely,

S/Mark W. Lawrence
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Fund the Cost of the Waiver of Tuition, Fees and Other Expenses for Native American Students in the Maine Technical College System, University of Maine System and Maine Maritime Academy"

S.P. 1004 L.D. 2572

Sponsored by Senator PARADIS of Aroostook.
Cosponsored by Representative MURPHY of Kennebunk and Senators: CASSIDY of Washington, MICHAUD of Penobscot, Representatives: AHEARNE of Madawaska, BERRY of Livermore, LORING of the Penobscot Nation, MARTIN of Eagle Lake, SOCTOMAH of the Passamaquoddy Tribe, TESSIER of Fairfield.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Harmonize State Financial Services Laws with Federal Law"

S.P. 1007 L.D. 2574

Sponsored by Senator LaFOUNTAIN of York. (GOVERNOR'S BILL)

Cosponsored by Representative SAXL of Bangor and Senator: ABROMSON of Cumberland, Representatives: DUDLEY of Portland, GLYNN of South Portland, MAYO of Bath, PERRY of Bangor, RICHARDSON of Brunswick, SULLIVAN of Biddeford.

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

Sent down for concurrence.

Bill "An Act to Prohibit Persons Under 21 Years of Age from Purchasing Handguns"

S.P. 1005 L.D. 2573

Sponsored by Senator PINGREE of Knox.

Cosponsored by Speaker ROWE of Portland and Senators: DOUGLASS of Androscoggin, GOLDTHWAIT of Hancock, RAND of Cumberland, TREAT of Kennebec, Representatives: BRENNAN of Portland, DUDLEY of Portland, ETNIER of Harpswell, SAXL of Bangor.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Provide Consistency for Certain Key Deadlines under the Election Laws" (EMERGENCY)

S.P. 1009 L.D. 2576

Sponsored by Senator MILLS of Somerset.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

On motion by Senator PINGREE of Knox, under unanimous consent on behalf of Senator KONTOS of Cumberland, the following Joint Order: S.P. 1006

ORDERED, the House concurring, that the Joint Select Committee on Research and Development report out to the Senate, a bill to make changes to the State's comprehensive research and development evaluation.

READ and PASSED.

Sent down for concurrence.

On motion by Senator DOUGLASS of Androscoggin, the following Joint Order: S.P. 1008

ORDERED, the House concurring, that the Joint Standing Committee on Labor report out, to the Senate, a bill establishing a method of annually determining and limiting the total employer contribution to the Unemployment Compensation Fund.

READ and PASSED.

Sent down for concurrence.

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

Expressions of Legislative Sentiment recognizing:

Philip Doerr & Company, of Lisbon Falls, who has generously donated the portion of carpet that is emblazoned with the Maine State Seal that now adorns the refurbished Senate Chamber. With roots dating back to 1846, Philip Doerr & Company creates rugs for some of the finest residences, offices and hotels in the United States. Designed and made in Maine by skilled craftspeople, each rug is created by hand and is a unique masterpiece. The Maine State Seal is an exemplar of fine Maine craftsmanship and we extend our appreciation to J. Philip Doerr and Philip Doerr & Company for this donation;
SLS 415

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative CHIZMAR of Lisbon,
Representative SCHNEIDER of Durham.

READ.

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

Senator **NUTTING:** Mr. President, I want to say just a few brief words about this special company in my district, in Lisbon, that made this seal. They made the seal and donated it. Before we have them come forth and I present the Legislative Sentiment to them, I want to recognize one person in particular from that

company. Her name is Brenda Cormier. She is actually the person that made this seal and the Secretary of the Senate staff informs me that she has even signed it on a piece of paper that is behind the seal. So maybe 400 years from now when they take it up and put on a new one, somebody is going to be able to see that. They're in the back of the Chamber and I ask the Secretary of the Senate to read all their names so they can be recognized and then come forth and have a picture taken receiving the sentiment. Thank you.

Senate at Ease.

Senate called to order by the President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would recognize in the Chamber representatives from the Philip Doerr & Company and ask them to rise and receive the greetings of the Senate. The Sergeant-At-Arms will escort the representatives from Philip Doerr & Company to the well of the Chamber.

Senate at Ease.

Senate called to order by the President.

The Employees of the City of Auburn, who made it possible for the city to receive a Level I Margaret Chase Smith Maine State Quality Award in 1999. The Level I Award required the city to meet high standards in the performance categories of leadership, strategic planning, customer market and focus, information and analysis, human resource development and management, process management and business results. The City of Auburn won this award by fully integrating the principles of quality into the delivery of municipal services. Individual city employees who contributed substantially to winning the award include Sid Hazelton, Paul Niehoff, Gina Small, Moe Bolduc, Paul Fraser, Dick Keene, Debbie Grimmig, Jill Eastman, Tim Allen, Earl Edgerly, Lee Jay Feldman, Sally Fournier, Diane Freve, Tamara Grieshaber, Matt Irish, Carole Newton, Mike O'Brien, Leroy Walker, Cathy Zupancic and Dick Small. We extend our congratulations to the Employees of the City of Auburn and Patricia Finnegan, Auburn City Manager, on receiving this prestigious award;

SLS 417

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative BOLDUC of Auburn,
Representative GERRY of Auburn, Representative SHIELDS of Auburn.

READ.

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

Pursuant to Statutes

Senator **DOUGLASS:** Mr. President, I would like to recognize the employees of the City of Auburn. It was my great privilege to serve as a City Counselor for four years and, of course, I've lived in Auburn for many long years. Whether it be keeping safe through the police department or through the fire department or helping us admire our kids playing basketball at the Parks and Recreation Department or down at City Hall paying for those dog licenses and so forth. All of them have been working together very well. In the time that I was in Auburn, one of the major focuses of the employees was on customer service. Quite a number of things changed. Several departments reorganized and I think that the people of the town began to feel that their city was actually looking at them with a smile, a handshake and good feelings. Morale is often an important, perhaps the most important, quality that we have in public life and it so often goes unrecognized. So it's my great privilege to recognize the city employees who are here to represent other city employees. There are 250 who went through the process. They are all here under the able leadership of City Manager, Patricia Finnegan. I will submit the notice of the employees who are here to our President. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber from the City of Auburn: Patricia Finnegan, Jill Eastman, Gina Small, Maurice Bolduc, Tim Allen, Leroy Walker, Cathy Zupancic, Sid Hazelton, Carole Newton, and Dick Keene. Would they all please rise and receive the greetings of the Senate.

REPORTS OF COMMITTEES

House

Refer to the Committee on Judiciary Pursuant to Joint Order (H.P. 1786)

The Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Court Unification Task Force"
H.P. 1829 L.D. 2563

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to Joint Order H.P. 1786.

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

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

The Committee on **UTILITIES AND ENERGY**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4, asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission"
H.P. 1820 L.D. 2554

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

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court" (EMERGENCY)
H.P. 1624 L.D. 2271

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 Joint Select Committee on **RESEARCH AND DEVELOPMENT** on Bill "An Act to Expand the Maine Technology Institute Board"
H.P. 1636 L.D. 2287

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 **TRANSPORTATION** on Bill "An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License"

H.P. 1654 L.D. 2323

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired"
H.P. 123 L.D. 154

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-772)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**.

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

READ ONCE.

Committee Amendment "A" (H-772) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-780)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780)**.

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

READ ONCE.

Committee Amendment "A" (H-780) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Provide Funds to Assist in the Expansion of the Maine Veterans' Memorial Cemetery System
H.P. 1668 L.D. 2337

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-775).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775).**

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

READ ONCE.

Committee Amendment "A" (H-775) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **JUDICIARY** on Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court"

H.P. 894 L.D. 1251

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (H-783).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-783).**

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

READ ONCE.

Committee Amendment "B" (H-783) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **LABOR** on Bill "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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-785).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-785).**

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

READ ONCE.

Committee Amendment "A" (H-785) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create a Governance System for Unorganized Towns"
H.P. 221 L.D. 299

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-782).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782).**

Report **READ.**

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

The Committee on **TAXATION** on Bill "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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-779).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779).**

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

READ ONCE.

Committee Amendment "A" (H-779) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District"

H.P. 1042 L.D. 1464

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-773)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-773)**.

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

READ ONCE.

Committee Amendment "A" (H-773) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish the Expenditure Forecasting Committee"

H.P. 624 L.D. 864

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

Signed:

Senator:
MICHAUD of Penobscot

Representatives:
TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-781)**.

Signed:

Senator:
HARRIMAN of Cumberland

Representative:
NASS of Acton

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

Reports **READ**.

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

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, in concurrence.

Senate

Ought to Pass

Senator CATHCART for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Implement Recommendations of the Commission on Performance Budgeting"

S.P. 930 L.D. 2380

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Grant Municipalities Greater Flexibility in their Arrangements for Tax Base Sharing Agreements"

S.P. 873 L.D. 2281

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Simplify the Approval Process of Existing State Tax Increment Financing Districts"

S.P. 941 L.D. 2391

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the State's Fair Debt Collection Practices Laws and to Provide for Nonprofit Debt Management Services"

S.P. 865 L.D. 2263

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-493)**.

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

READ ONCE.

Committee Amendment "A" (S-493) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Bill "An Act to Conform the Maine Tax Laws for 1999 with the United States Internal Revenue Code" (EMERGENCY)

S.P. 867 L.D. 2277

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-490)**.

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

READ ONCE.

Committee Amendment "A" (S-490) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Senator RUHLIN for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 870 L.D. 2280

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-494)**.

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

READ ONCE.

Committee Amendment "A" (S-494) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Eight members of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Prohibit the Sale of Items in Storage Owned by a 3rd Party"

S.P. 864 L.D. 2262

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senator:

KONTOS of Cumberland

Representatives:

CLOUGH of Scarborough

BOWLES of Sanford

MARVIN of Cape Elizabeth

O'NEAL of Limestone

SIROIS of Caribou

BOLDUC of Auburn

TRIPP of Topsham

One member of the same Committee on the same subject reported in Report "B" that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

Signed:

Representative:

SHOREY of Calais

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-492)**.

Signed:

Representative:

MENDROS of Lewiston

Reports **READ**.

On motion by Senator **PINGREE** of Knox, Report "A" **OUGHT NOT TO PASS, ACCEPTED**.

Sent down for concurrence.

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:

Senate

Bill "An Act to Clarify the Laws Governing Solid Waste Disposal Districts"

S.P. 900 L.D. 2350

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

Sent down for concurrence.

Bill "An Act to Provide Equity in the Taxation of Public Pensions"

S.P. 989 L.D. 2542

READ A SECOND TIME.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

Senate As Amended

Bill "An Act to Promote Equity Among Health Care Clinics"

S.P. 532 L.D. 1594
(C "B" S-487)

Resolve, to Reinstate Emergency Assistance for Dependents of Veterans

S.P. 688 L.D. 1934
(C "A" S-482)

Bill "An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours" (EMERGENCY)

S.P. 777 L.D. 2176
(C "A" S-488)

Bill "An Act to Amend the Low-emission Vehicle Program"

S.P. 868 L.D. 2278
(C "A" S-486)

Bill "An Act to Amend the Motor Vehicle Laws"

S.P. 893 L.D. 2312
(C "A" S-485)

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Enhance Competition Among Elevator Inspectors"

H.P. 1834 L.D. 2570

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

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

Bill "An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham" (EMERGENCY)

H.P. 1837 L.D. 2575

Comes 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 Promote Microbreweries and Wineries"

H.P. 1835 L.D. 2571

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$400,000 to Build a Waldo County Communications and 9-1-1 Center (EMERGENCY)

H.P. 1833 L.D. 2569

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.

**Pursuant to Public Law
Joint Standing Committee on Marine Resources**

The Joint Standing Committee on **Marine Resources** pursuant to Public Law 1999, chapter 397, section 7 asked leave to report that the accompanying Bill "An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older"

H.P. 1839 L.D. 2577

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

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

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

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Regulating Farm Wineries" (EMERGENCY)

H.P. 1701 L.D. 2407

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-795)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795)**.

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

READ ONCE.

Committee Amendment "A" (H-795) **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-795)**, in concurrence.

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

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 **TAXATION** on Bill "An Act to Amend the Elderly Low-cost Drug Program" (EMERGENCY)
H.P. 1795 L.D. 2518

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-802)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-802)**.

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

READ ONCE.

Committee Amendment "A" (H-802) **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-802)**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 (2/15/00) Assigned matter:

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2001.

S.P. 950 L.D. 2489

Report - **Ought to Pass**

Tabled - February 15, 2000, by Senator **PINGREE** of Knox.

Pending - **ACCEPTANCE OF THE REPORT**

(In Senate, February 15, 2000, Report **READ**.)

Report **ACCEPTED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **O'GARA** of Cumberland, Senate Amendment "A" (S-492) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-492).

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **BENNETT** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **BENNETT**: Thank you Mr. President. Fellow members of the Senate, recently in this Chamber my colleague from Kennebec, Senator Carey, castigated a member of the State bureaucracy. His comments stemmed from a memo the bureaucrat authored, which he viewed as a veiled threat to memo recipients. Well today I offer a similar concern about an abuse of power by another member of the bureaucracy. This particular instance has all the elements of a George Orwell novel. This week I became aware of an incident where Attorney Jeff Pidot, of the Attorney General's Office, contacted the author of a private e-mail to inform the writer that, and I quote, the words used are designed not to inform the debate or even as political rhetoric, these words are designed to strike fear in people. Please bear this in mind. End quote.

First, to me, it is appalling that a member of the AG's office is using his position and State time and State resources to review and comment upon private e-mail messages. When questioned on the matter, Mr. Pidot noted that he believed that it was, quote, his responsibility, end quote, to communicate with the e-mail's author on this matter. More appalling is that the Attorney General supported Mr. Pidot's intrusive self-righteousness. So now the AG's office considers monitoring and passing judgment upon private e-mail message as one of its responsibilities. If that's the case, then I ask the Attorney General what policies are in place concerning this new responsibility? Is this service going to be available to all Maine citizens or just to the politically well connected? Will you also review correspondence, editorials, public speeches and cocktail chatter?

Second, Mr. Pidot's comments come from the highest law enforcement authority in our State. Such communication can

have a stifling effect on the public debate. They might be considered coercive. Now I know the author of the original e-mail, he's a Professor at the University of Maine at Machias, and he would not be bullied by such comments. But many other Maine citizens would be and feel intimidated. If indeed there is a criminal act occurring, than I say to the Attorney General's Office, prosecute. But in the absence, spare us the editorial comments, the judgmental inferences and self righteous strutting. You are a law enforcement agency, not the editorial department at Salon Magazine. We do not need the Office of Maine's Attorney General to be our thought police. We do not need public servants and public time commenting on the tone and propriety of private communications. At best, it's a waste of public resources. At worst, it's an abuse of power. Thank you.

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 Amend the Laws Regulating Farm Wineries
H.P. 1701 L.D. 2407
(C "A" H-795)

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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **O'GARA** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **RUHLIN** of Penobscot 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.

On motion by Senator **PINGREE** of Knox, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 22, 2000, at 10:00 in the morning.