

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

In Senate Chamber
Thursday
February 4, 1999

Senate called to order by President Pro Tem Robert E. Murray, Jr. of Penobscot County.

Prayer by Reverend Jack Fles of Christ Episcopal Church in Gardiner.

REVEREND FLES: Accolade for thanksgiving for our natural life together.

Oh mighty God, giver of all good things, we thank You for the natural majesty and beauty of this land. They restore us though we often destroy them. We thank You for the great resources of this nation, they make us rich though we often also exploit them. We thank You for the men and women who have made this country strong. They are models for us, though we often fall short. We thank You for the torch of liberty which has been lit in this land and has drawn people from every nation, though we have often hidden from its light. We thank You for the faith we have inherited and all its rich variety. It sustains our life though we have been faithless again and again. Help us, Oh Lord, to finish the good work here begun. Strengthen our efforts to blot out ignorance and prejudice and to abolish poverty and crime and hasten the day when all of our people with many voices in one united chorus will glorify Your holy name. Amen.

Doctor of the day, Pamela Wansker, D.O., Falmouth.

Reading of the Journal of Wednesday, February 3, 1999.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator MICHAUD of Penobscot, the following Joint Order:
S.P. 322

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, February 9, 1999, at 3:00 in the afternoon.

READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve Access to Health Care for School-age Children"
H.P. 681 L.D. 937

Bill "An Act to Implement the Tobacco Settlement"
H.P. 687 L.D. 943

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

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

Bill "An Act to Require That Certified Public Accounting and Public Accounting Firms Have a Majority of Their Owners Hold Certificates"
H.P. 685 L.D. 941

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.

Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers
H.P. 689 L.D. 956

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

Comes from the House, **REFERRED** to the Committees on **HEALTH AND HUMAN SERVICES** and **EDUCATION AND CULTURAL AFFAIRS**.

REFERRED to the Committees on **HEALTH AND HUMAN SERVICES** and **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act to Establish the Juvenile Division of the District Court"
H.P. 686 L.D. 942

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

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

Bill "An Act to Protect Victims of Crimes in the Workplace"
H.P. 688 L.D. 944

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

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

Bill "An Act to Submit Legislative Term Limits to Referendum in November 1999"
H.P. 472 L.D. 679

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 Permit Property Owners to Put Sand on and Rake Their Beaches"
H.P. 684 L.D. 940

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

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

Bill "An Act to Exempt Maine Residents on Active Military Duty from State Income Tax"
H.P. 683 L.D. 939

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 Make It Illegal to Pass on Solid Center Lines"
H.P. 682 L.D. 938

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)
H.P. 690 L.D. 957

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)
H.P. 691 L.D. 958

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

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

SENATE PAPERS

Resolve, Granting a Right-of-way Across Baxter State Park Authority Property in the Town of Harpswell to the Coffin Family (EMERGENCY)
S.P. 343 L.D. 997

Sponsored by Senator HARRIMAN of Cumberland.

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

Sent down for concurrence.

Bill "An Act to Amend the Centers for Innovation Program"
S.P. 329 L.D. 983

Sponsored by President LAWRENCE of York.
Cosponsored by Representative MURPHY of Kennebunk and Senator: BENNETT of Oxford, Representative: TESSIER of Fairfield.

Bill "An Act to Authorize a General Fund Bond Issue to Reduce Household Hazardous Waste and Mercury Contamination and to Increase Recycling of Municipal Solid Waste through Investment in Capital Equipment and Collection Programs in the Amount of \$2,000,000"
S.P. 336 L.D. 990

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative SHIAH of Bowdoinham and Senators: LONGLEY of Waldo, MICHAUD of Penobscot, NUTTING of Androscoggin, Representatives: COLWELL of Gardiner, COWGER of Hallowell, DAIGLE of Arundel, DUPLESSIE of Westbrook, MADORE of Augusta.

Bill "An Act to Reinvest in the Land for Maine's Future Fund"
S.P. 339 L.D. 993

Sponsored by Senator PINGREE of Knox.
Cosponsored by Speaker ROWE of Portland and Senators: BENOIT of Franklin, KILKELLY of Lincoln, Representatives: CAMERON of Rumford, COWGER of Hallowell, DAVIS of Falmouth, DUNLAP of Old Town, LEMONT of Kittery, TOWNSEND of Portland.

S.P. 338 L.D. 992

Bill "An Act to Strengthen the Criminal Justice Response to Domestic Violence"

S.P. 342 L.D. 996

Sponsored by Senator HARRIMAN of Cumberland.
Cosponsored by Representative BRUNO of Raymond and Senators: CATHCART of Penobscot, GOLDTHWAIT of Hancock, SMALL of Sagadahoc, Representatives: KNEELAND of Easton, TOWNSEND of Portland.

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

Sent down for concurrence.

Bill "An Act to Increase Access to Nontraditional Medical Alternatives"

S.P. 326 L.D. 980

Sponsored by Senator PINGREE of Knox.
Cosponsored by Representative SULLIVAN of Biddeford and Senators: DOUGLASS of Androscoggin, GOLDTHWAIT of Hancock, RAND of Cumberland, Representatives: DUDLEY of Portland, PERRY of Bangor, TOWNSEND of Portland.

Bill "An Act to Facilitate the Collection of Data Concerning the Health Care Services Provided by Certified Nurse Practitioners and Certified Nurse Midwives"

S.P. 334 L.D. 988

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Senators: BENOIT of Franklin, HARRIMAN of Cumberland, PENDLETON of Cumberland, PINGREE of Knox, RAND of Cumberland, Representatives: MADORE of Augusta, McALEVEY of Waterboro, SAVAGE of Union.

Bill "An Act to Ensure Access to Cardiac and Pulmonary Rehabilitation"

S.P. 335 L.D. 989

Sponsored by Senator BERUBE of Androscoggin.
Cosponsored by Representative CHIZMAR of Lisbon and Senator: NUTTING of Androscoggin, Representatives: BOLDUC of Auburn, GAGNE of Buckfield, TRUE of Fryeburg, TUTTLE of Sanford.

Bill "An Act to Require Coverage for Services Performed by Certified Nurse Practitioners and Certified Nurse Midwives to Patients Referred by Primary Care Providers"

S.P. 337 L.D. 991

Sponsored by Senator GOLDTHWAIT of Hancock.
Cosponsored by Senators: PENDLETON of Cumberland, PINGREE of Knox, RAND of Cumberland, Representatives: CAMERON of Rumford, COLWELL of Gardiner, MADORE of Augusta.

Bill "An Act to Establish Parity for Patients of Certified Nurse Practitioners and Certified Nurse Midwives"

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Representative CAMERON of Rumford and Senators: BENOIT of Franklin, GOLDTHWAIT of Hancock, PINGREE of Knox, RAND of Cumberland, Representatives: COLWELL of Gardiner, MADORE of Augusta, McALEVEY of Waterboro, SULLIVAN of Biddeford.

Bill "An Act to Provide Insurance Parity for Substance Abuse Treatment"

S.P. 346 L.D. 1000

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Senators: BENOIT of Franklin, PINGREE of Knox, Representatives: BRENNAN of Portland, BROOKS of Winterport, O'BRIEN of Augusta.

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

Sent down for concurrence.

Resolve, Directing the Department of Education to Authorize the City of Auburn to Conduct the Expansion, Renovation and Repair of the East Auburn School in Auburn, Maine

S.P. 327 L.D. 981

Sponsored by Senator DOUGLASS of Androscoggin.

Bill "An Act to Reduce Property Taxes by Reimbursing Out-of-District Special Education Placements and to Establish Oversight of Those Costs"

S.P. 345 L.D. 999

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative MENDROS of Lewiston and Senator: BERUBE of Androscoggin, Representative: BOUFFARD of Lewiston.

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

Sent down for concurrence.

Bill "An Act to Allow a Subpermittee on a Moose Hunting Permit to Be Named after the Moose Lottery"

S.P. 324 L.D. 978

Sponsored by Senator KIEFFER of Aroostook.
Cosponsored by Representative DUNLAP of Old Town and Senators: MITCHELL of Penobscot, PARADIS of Aroostook, Representatives: CARR of Lincoln, CLARK of Millinocket, COWGER of Hallowell, CROSS of Dover-Foxcroft, GILLIS of Danforth, GOOLEY of Farmington.

Resolve, Establishing a Commission to Study the Feasibility of Reestablishing a Brook Trout and Landlocked Salmon Hatchery in Northern Maine

S.P. 332 L.D. 986

Sponsored by Senator KIEFFER of Aroostook. Cosponsored by Representative DUNLAP of Old Town and Senators: DAVIS of Piscataquis, LIBBY of York, PARADIS of Aroostook, Representatives: CLARK of Millinocket, DUNCAN of Presque Isle, PINKHAM of Lamoine, SHERMAN of Hodgdon, WHEELER of Bridgewater.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies"

S.P. 333 L.D. 987

Sponsored by Senator MILLS of Somerset.

Resolve, Directing the Maine State Retirement System to Provide Each Member with a Statement of Account No Later Than December 31, 1999

S.P. 341 L.D. 995

Sponsored by Senator HARRIMAN of Cumberland. Cosponsored by Representative BERRY of Livermore and Senator: SMALL of Sagadahoc, Representatives: BRUNO of Raymond, KNEELAND of Easton, NASS of Acton, POWERS of Rockport, STEVENS of Orono, TESSIER of Fairfield, WINSOR of Norway.

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

Sent down for concurrence.

Bill "An Act to Increase the Penalties for Providing Alcohol to a Minor, Possession of Alcohol by a Minor and Certain Other Offenses"

S.P. 331 L.D. 985

Sponsored by Senator CASSIDY of Washington. Cosponsored by Representative PIEH of Bremen and Senators: BENOIT of Franklin, DAGGETT of Kennebec, GOLDTHWAIT of Hancock, LIBBY of York, Representatives: CIANCHETTE of South Portland, TRUE of Fryeburg.

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

Sent down for concurrence.

Bill "An Act to Allow the Town of Madrid to Deorganize"

S.P. 330 L.D. 984

Sponsored by Senator BENOIT of Franklin. Cosponsored by Representative JODREY of Bethel and Senators: CAREY of Kennebec, DAVIS of Piscataquis, FERGUSON of Oxford, Representative: GOOLEY of Farmington.

Bill "An Act Regarding State Construction Projects"

S.P. 340 L.D. 994

Sponsored by Senator DOUGLASS of Androscoggin.

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

Sent down for concurrence.

Bill "An Act to Use Funds From the Sale of Utility Company Properties to Help Offset Ice Storm 1998 Expenses"

S.P. 325 L.D. 979

Sponsored by Senator CAREY of Kennebec.

Bill "An Act to Reimburse Municipalities for the Property Tax Loss for County Property that is Used but not Leased by the State"

S.P. 328 L.D. 982

Sponsored by Senator DOUGLASS of Androscoggin.

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

Sent down for concurrence.

Bill "An Act to Improve Motorcycle Safety"

S.P. 323 L.D. 977

Sponsored by Senator KONTOS of Cumberland. Cosponsored by Senators: DAGGETT of Kennebec, GOLDTHWAIT of Hancock, MacKINNON of York, Representatives: O'NEAL of Limestone, TRIPP of Topsham, USHER of Westbrook, WHEELER of Eliot.

Bill "An Act to Preserve and Improve Public Access to Inland and Coastal Waters"

S.P. 344 L.D. 998

Sponsored by Senator HARRIMAN of Cumberland. Cosponsored by Representative SAXL of Portland and Senators: MICHAUD of Penobscot, SMALL of Sagadahoc, Representative: HONEY of Boothbay.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures" H.P. 22 L.D. 32

Reported that the same be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

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

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

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

Senate

Ought to Pass

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify the Application of Insurance Fraud Prevention Laws" (EMERGENCY) S.P. 13 L.D. 2

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend Maine's Insurance Laws Regarding Gifts and Rebates" S.P. 46 L.D. 117

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator SMALL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Restrict the Posting on the Internet of Personal Information About Public School Students"

S.P. 93 L.D. 232

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

Senator PARADIS for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Lower the Age of Consent for the Donation of Blood"

S.P. 55 L.D. 125

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

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

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate

Resolve, to Name the Bridge Between Bath and Woolwich the Sagadahoc Bridge

S.P. 97 L.D. 236

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

Sent down for concurrence.

Off Record Remarks

On motion by Senator **KIEFFER** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 9, 1999, at 3:00 in the afternoon.