

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

In Senate Chamber
Wednesday
March 31, 1999

Senate called to order by President Pro Tem Chellie Pingree of Knox County.

Prayer by Reverend Henry Wyman, Interim Pastor of the Brownville Community Church.

REVEREND WYMAN: Let us pray together. Oh God, our Father, our lives seem ever in turmoil. We go from one crisis to another. Everything nailed down is coming loose. Yet we are a supporting part of a strong and powerful nation and a supporting part of the great state of Maine. We are Mainers. The task before you is never easy. There are pressures brought to bear by vested interests and there are deep rooted concerns of people with opposing beliefs. Your duties and responsibilities belong to those from Kittery to Allagash. The people from small hamlets as well as large cities looking to you to create opportunities for them. It is never easy to sort it all out. We pray this day for the members of our armed forces who are involved in conflict far from home. In your deliberations you owe it to them and to all of us the best you have to offer. Make it so. Amen.

Doctor of the day, Richard Stephenson, M.D. of Auburn.

Reading of the Journal of Tuesday, March 30, 1999.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator RAND of Cumberland, the following Joint Order:
S.P . 751

ORDERED, the House concurring, that when the House stands Adjourned it does so until Monday, April 5, 1999 at 9 o'clock in the morning and when the Senate stands Adjourned it does so until Monday, April 5, 1999, at 10 o'clock in the morning.

READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Posting Requirements of Harvested Wood Lots" (EMERGENCY)
H.P. 1444 L.D. 2065

Bill "An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors"
H.P. 1445 L.D. 2066

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

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

Bill "An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report"
H.P. 1471 L.D. 2111

Bill "An Act to Provide Funds for a National World War II Memorial in Washington"
H.P. 1476 L.D. 2116

Resolve, Establishing an Improved Capital Planning Process
H.P. 1480 L.D. 2120

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 Requiring Timely Reimbursement of Health Insurance Claims"
H.P. 1464 L.D. 2096

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

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

Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms"
H.P. 1458 L.D. 2090

Bill "An Act to Allow Doctors of Dentistry to Prescribe Physical Therapy"
H.P. 1472 L.D. 2112

Bill "An Act to Promote Economic Development in Western
Maine"
H.P. 1475 L.D. 2115

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

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

Bill "An Act to Establish a Critical Incident Review Panel
Regarding Physical Force Used by Officers Causing Serious
Bodily Injury or Death to Another Person"
H.P. 1448 L.D. 2069

Bill "An Act to Protect Library Materials in Circulation and to
Designate Secure Archival Repositories"
H.P. 1449 L.D. 2070

Bill "An Act to Authorize the Disposition of Forfeited Firearms"
H.P. 1461 L.D. 2093

Bill "An Act to Improve the Safety of Firefighters"
H.P. 1466 L.D. 2098

Resolve, to Establish the Study Commission to Create and
Submit a Master Plan for the Future Use of the Existing Land and
Buildings at the Maine Youth Center
H.P. 1478 L.D. 2118

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

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

Bill "An Act to Allow Local School Officials Greater Freedom in
Disciplining Students"
H.P. 1453 L.D. 2074

Bill "An Act to Transfer the Child Development Services System
to the Department of Human Services"
H.P. 1456 L.D. 2077

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

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

Resolve, Establishing the Commission on Dental and Mental
Health Services for Children (EMERGENCY)
H.P. 1465 L.D. 2097

Bill "An Act to Provide Increased Access to Dental Care in Maine"
H.P. 1467 L.D. 2099

Bill "An Act to Ensure Adequate Nutrition for Low-income Legal
Aliens" (EMERGENCY)
H.P. 1470 L.D. 2110

Resolve, Directing the Department of Human Services to Conduct
a Review of the Reimbursement Rates under the Medicaid
Program for Speech, Language Pathology and Audiology
Services
H.P. 1473 L.D. 2113

Come from the House, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES and ordered printed.

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

Bill "An Act to Stagger Registration for Watercraft, All-terrain
Vehicles and Snowmobiles"
H.P. 1463 L.D. 2095

Comes from the House, **REFERRED** to the Committee on
INLAND FISHERIES AND WILDLIFE and ordered printed.

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

Bill "An Act to Clarify the Admissibility of Electronic Records and
Signatures"
H.P. 1451 L.D. 2072

Bill "An Act to Require a 24-hour Waiting Period before an
Abortion May Be Performed"
H.P. 1483 L.D. 2123

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

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

Bill "An Act to Expand Pretrial Services for the Bail and
Supervision of Criminal Defendants Statewide"
H.P. 1446 L.D. 2067

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

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

Bill "An Act to Improve Responsible Check Writing"
H.P. 1477 L.D. 2117

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

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

Bill "An Act to Amend the Workers' Compensation Laws Pertaining to Attorney's Fees"
H.P. 1452 L.D. 2073

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"
H.P. 1454 L.D. 2075

Bill "An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance"
H.P. 1455 L.D. 2076

Bill "An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan"
H.P. 1484 L.D. 2124

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

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

Bill "An Act to Enhance Competition and Public Health"
H.P. 1479 L.D. 2119

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

Bill "An Act to Maintain Protection of Sand Dunes Under Existing Law"
H.P. 1442 L.D. 2063

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 Create a State House Citizen Participation and Lobby Center"
H.P. 1447 L.D. 2068

Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government"
H.P. 1460 L.D. 2092

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Bill "An Act Concerning Penalties under the Maine Tree Growth Law and the Farm and Open Space Law"
H.P. 1450 L.D. 2071

Bill "An Act to Reduce Sales and Use Taxes and Address Volatility Within the State's Revenue System"
H.P. 1474 L.D. 2114

Bill "An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State"
H.P. 1482 L.D. 2122

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

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

Bill "An Act to Increase Load Weight on Farm Vehicles"
H.P. 1443 L.D. 2064

Bill "An Act to Change the Fine for Speeding in a School Zone"
H.P. 1462 L.D. 2094

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

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

Bill "An Act to Amend the Charter of the Richmond Utilities District"
H.P. 1459 L.D. 2091

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.

Bill "An Act to Implement the Recommendations of the Target Industries Committee to Promote Research and Development Activities in Maine"
H.P. 1485 L.D. 2125

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

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

Joint Orders

The following Joint Order: H.P. 1457

ORDERED, the Senate concurring, that the Joint Select Committee to Ensure Accountability in the Legislature is established as follows.

1. Committee established. The Joint Select Committee to Ensure Accountability in the Legislature, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 5 members appointed as follows.

A. The President of the Senate shall appoint 2 Senators who serve on the Joint Standing Committee on State and Local Government, at least one of whom is a member of the party with the 2nd highest number of Senators.

B. The Speaker of the House of Representatives shall appoint 3 members from the House who serve on the Joint Standing Committee on State and Local Government, at least one of whom is a member of the party with the 2nd highest number of members in the House.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than June 1, 1999.

5. Duties. The committee shall examine methods to ensure accountability in the Legislature, including but not limited to:

A. The mandatory use of roll calls for votes of final enactment in the Senate and the House of Representatives; and

B. Term limits for officers in the Senate, including the Secretary of the Senate and the Assistant Secretary of the Senate, and in the House, including the Clerk of the House and the Assistant Clerk of the House.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Legislation. The committee shall submit a report along with any recommended legislation to the Joint Standing Committee on State and Local Government by January 7, 2000. Following receipt of the report, the Joint Standing Committee on State and Local Government may introduce legislation to the Second Regular Session of the 119th Legislature. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE**, in **NON-CONCURRENCE**.

The following Joint Order: H.P. 1487

ORDERED, the Senate concurring, that the Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender's Office is established as follows.

1. Task force established. The Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender's Office, referred to in this order as the "task force," is established.

2. Task force membership. The task force consists of 5 members appointed as follows:

A. Two Senators appointed by the President of the Senate; and

B. Three members of the House of Representatives appointed by the Speaker of the House.

3. Chair. The first named Senate member is the Senate chair and the first named House member is the House chair.

4. Appointments; convening task force. All appointments must be made within 30 days of the enactment of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The chairs shall call and convene the first meeting of the task force within 30 days from when the appointment of all members is complete.

5. Duties. The task force shall meet with court administrators, judges, criminal defense lawyers, Pine Tree Legal Assistance, the Maine Bar Association and other interested parties, gather information and study public defender programs of other jurisdictions in order to develop a plan to implement a pilot program for a public defender's office to be located in Cumberland County.

6. Expenses. Members of the task force are entitled to receive the legislative per diem and reimbursement for necessary expenses for their attendance at authorized meetings of the task force.

7. Report. By December 1, 1999, the task force shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Criminal Justice.

Committee on **CRIMINAL JUSTICE** suggested.

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

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

Joint Resolutions

The following Joint Resolution: H.P. 1374

JOINT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION AND CIVIC AND COMMUNITY SERVICE ORGANIZATIONS TO IMPLEMENT AND TEACH THE EDDIE EAGLE ELEMENTARY GUN SAFETY EDUCATION PROGRAM

WHEREAS, teaching children how to act safely around firearms is a critical step in the effort to reduce the number of accidents related to firearms that involve children; and

WHEREAS, members of the Legislature would like to encourage civic activism and volunteerism rather than the imposition of new and unfunded state mandates on local governments as the means to reduce such accidents; and

WHEREAS, the Eddie Eagle Elementary Gun Safety Education Program teaches the fundamentals of firearm safety to children through a simple and clear lifesaving message that children are taught to remember and act upon when they see a firearm; and

WHEREAS, the Eddie Eagle Elementary Gun Safety Education Program is a nationally recognized firearm safety program that has been taught to over 6,000,000 children since 1988 and has been recognized by the National Safety Council as the Outstanding Community Service Program for 1993; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, on behalf of the people we represent, commend the National Rifle Association for developing the Eddie Eagle Elementary Gun Safety Education Program and making it available for use in the communities of this State; and be it further

RESOLVED: That we encourage civic and community service organizations that are concerned about the safety and well-being of the children of this State to help provide funding for the implementation of the Eddie Eagle Elementary Gun Safety Education Program at the local level; and be it further

RESOLVED: That we encourage the Department of Education to promote the use of the Eddie Eagle Elementary Gun Safety Education Program in the public schools to help prevent accidents related to firearms that involve children; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Education and to the Executive Vice President of the National Rifle Association.

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

READ.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

The following Joint Resolution: H.P. 1468

JOINT RESOLUTION HONORING ALBERT P. GAMACHE

WHEREAS, the Legislature has learned with deep regret of the passing of Albert P. Gamache, Representative from Lewiston; and

WHEREAS, Representative Gamache, who had been given the distinction and honor of "The Dean of the Maine House," was a friend to all of us and a Legislator well-known for his remarkable record of public service and his unfailing affection for the people of Lewiston; and

WHEREAS, Representative Gamache's public service spanned decades and included serving as an aide and Chief of Staff to Senator William D. Hathaway, as an executive with the United States Department of Labor and at the time of his death as State Representative for District #89; and

WHEREAS, Representative Gamache was also known for his years of service as the executive director for the United Fund and as the Director of the Board of Trustees of the Lewiston Public Library; and

WHEREAS, Representative Gamache was dedicated to the cause of good government and had been included in the book, "An Insider's Guide to Maine Politics, 1946-1996" by Bowdoin College political science professor Christian P. Potholm, who considers Representative Gamache to be "one of the outstanding players in Maine Democratic history"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Nineteenth Legislature, now assembled in the First Regular Session, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share the loss of our dear colleague and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That a suitable copy of this resolution in memory of our friend and colleague, duly authenticated by the Secretary of State, be transmitted to his family.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution: H.P. 1469

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW THE STATES TO KEEP THEIR TOBACCO SETTLEMENT MONEY

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, the State of Maine settled its litigation against the tobacco industry on November 23, 1998; and

WHEREAS, the Federal Government, through the federal Health Care Financing Administration, has asserted that it is entitled to a significant share of the state settlement on the basis that it represents the federal share of Medicaid costs; and

WHEREAS, the Federal Government asserts that it is authorized and obligated, under the United States Social Security Act, to collect its share of any settlement funds attributable to Medicaid; and

WHEREAS, the state lawsuit was brought for violation of state law under state law theories, and the state lawsuit did not make any federal claims; and

WHEREAS, the State bore all the risk and expense in the litigation brought in State Court and settled without any assistance from the Federal Government; and

WHEREAS, the State is entitled to all of the funds negotiated in the tobacco settlement agreement without any federal claim; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress work together to support and sign legislation to allow the states to keep their tobacco settlement funds; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 752

119TH MAINE LEGISLATURE

March 30, 1999

Senator Georgette Berube
Representative Michael Brennan
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
119th Legislature
Augusta, Maine 04333

Dear Senator Berube and Representative Brennan:

Please be advised that Governor Angus S. King, Jr. has nominated Katherine D. Wyman of Farmington and Kenneth W. Allen of Orono for appointment as members of the State Board of Education.

Pursuant to Title 20A, M.R.S.A., §401, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence
President of the Senate

S/G. Steven Rowe
Speaker of the House

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

Sent down for concurrence.

The Following Communication: H.P. 1486

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

March 18, 1999

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 to Permit the Medical Use of Marijuana."

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 47,406 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 November 24, 1998, requesting that the Legislature consider an act entitled "An Act to Permit the Medical Use of Marijuana."

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 eighteenth day of March in the year one thousand nine hundred and ninety-nine.

S/Dan A. Gwadosky
Secretary of State

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

The accompanying Bill "An Act to Permit the Medical Use of Marijuana"

I.B. 2 L.D. 2109

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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

The Following Communication: H.C. 108

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

March 30, 1999

Honorable Joy J. O'Brien
Secretary of the Senate
119th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority OUGHT NOT TO PASS Report of the Committee on LEGAL AND VETERANS AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions (S.P. 219) (L.D. 641)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

SENATE PAPERS

Bill "An Act to Extend the Jurisdiction of the Real Estate Commission"

S.P. 754 L.D. 2130

Sponsored by Senator RUHLIN of Penobscot.
Cosponsored by Representatives: CAMPBELL of Holden,
FISHER of Brewer.

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

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

Sent down for concurrence.

Bill "An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act"

S.P. 755 L.D. 2131

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Senator: PENDLETON of Cumberland,
Representatives: COWGER of Hallowell, DAIGLE of Arundel,
HATCH of Skowhegan, JOY of Crystal, SAMSON of Jay.

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

On motion by Senator **RAND** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Bill "An Act to Consolidate Traffic Movement Permits within the Department of Transportation" (EMERGENCY)

S.P. 756 L.D. 2132

Sponsored by Senator O'GARA of Cumberland.
Cosponsored by Representative BOUFFARD of Lewiston and
Senators: BENNETT of Oxford, LONGLEY of Waldo,
Representative: CAMERON of Rumford.
Submitted by the Department of Transportation pursuant to Joint Rule 204.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Transfer the Regulatory Responsibilities of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources"

H.P. 1025 L.D. 1436

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Transfer Land in Dennysville

H.P. 656 L.D. 912

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-89)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

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

READ ONCE.

Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require Public Hearings for School Administrative District Referenda"

H.P. 461 L.D. 624

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-87)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87)**.

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

READ ONCE.

Committee Amendment "A" (H-87) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish the Position of School Nurse Consultant"

H.P. 676 L.D. 932

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-85)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

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

READ ONCE.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program"
H.P. 762 L.D. 1085

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-86).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86).**

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

READ ONCE.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Radon Registration Act"
H.P. 514 L.D. 721

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-91).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91).**

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

READ ONCE.

Committee Amendment "A" (H-91) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Modify the State's Safe Drinking Water Laws"
H.P. 802 L.D. 1125

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-92).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92).**

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

READ ONCE.

Committee Amendment "A" (H-92) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **MARINE RESOURCES** on Bill "An Act to Exempt Persons 70 Years of Age and Older From Paying the Fee for Commercial Shellfish Licenses"
H.P. 279 L.D. 387

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-90).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90).**

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

READ ONCE.

Committee Amendment "A" (H-90) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Extend the Penobscot County Budget Committee"
H.P. 667 L.D. 923

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-88).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88).**

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

READ ONCE.

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **TRANSPORTATION** on Bill "An Act to Further Decriminalize Operating an Unregistered Vehicle"

H.P. 165 L.D. 227

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-83)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

READ ONCE.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian"

S.P. 233 L.D. 655

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-51)**.

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

READ ONCE.

Committee Amendment "A" (S-51) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend Law Enforcement Powers of Maine Forest Rangers"

S.P. 397 L.D. 1188

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

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
CARR of Lincoln
FOSTER of Gray
GOOLEY of Farmington
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
GAGNE of Buckfield
CROSS of Dover-Foxcroft

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

Signed:

Representative:

GILLIS of Danforth

Reports **READ**.

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders"

H.P. 571 L.D. 811

Bill "An Act to Enhance Tourism Promotion and Provide Additional State Revenue"

H.P. 914 L.D. 1292

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

Bill "An Act to Ensure the Quality and Safety of Child Care"
H.P. 938 L.D. 1315

READ A SECOND TIME.

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

House As Amended

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency
 H.P. 99 L.D. 112
 (C "A" H-79)

Bill "An Act to Amend the Laws Governing the Hancock County Budget Process"
 H.P. 323 L.D. 439
 (C "A" H-69)

Bill "An Act to Update and Amend the Maine Pharmacy Act"
 H.P. 434 L.D. 576
 (C "A" H-80)

Bill "An Act to Change the Way Nursery License Fees Are Established"
 H.P. 537 L.D. 744
 (C "A" H-75)

Bill "An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems" (EMERGENCY)
 H.P. 621 L.D. 861
 (C "A" H-82)

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

Senate

Bill "An Act to Appropriate \$50,000 for the Muskie Memorial Committee in Rumford"
 S.P. 35 L.D. 45

Bill "An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment"
 S.P. 376 L.D. 1077

Bill "An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities"
 S.P. 496 L.D. 1481

Bill "An Act to Amend and Improve the Education Laws"
 S.P. 508 L.D. 1509

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Off Record Remarks

Senate As Amended

Bill "An Act to Provide for Additional Management Measures of the Scallop Industry"

S.P. 130 L.D. 327
 (C "A" S-48)

Bill "An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns"

S.P. 198 L.D. 587
 (C "A" S-49)

Bill "An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment"

S.P. 208 L.D. 597
 (C "A" S-50)

Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities (EMERGENCY)

S.P. 261 L.D. 756
 (C "A" S-45)

Bill "An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records""

S.P. 301 L.D. 874
 (C "A" S-39)

Bill "An Act to Clarify Certain Liens"

S.P. 313 L.D. 947
 (C "A" S-38)

Bill "An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors"

S.P. 316 L.D. 950
 (C "A" S-41)

Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms"

S.P. 383 L.D. 1162
 (C "A" S-44)

Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use (EMERGENCY)

S.P. 396 L.D. 1187
 (C "A" S-40)

Bill "An Act to Amend the Enhanced 9-1-1 Laws" (EMERGENCY)

S.P. 419 L.D. 1208
 (C "A" S-47)

Bill "An Act to Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY)

S.P. 428 L.D. 1265
 (C "A" S-46)

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 Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers

H.P. 399 L.D. 541
(S "A" S-27 to C "A" H-57)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Clarify the Authority of the Maine Milk Commission

S.P. 451 L.D. 1326
(C "A" S-32)

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

Senator **RUHLIN:** Thank you Madam President. I'd like to point out some concerns that I have with this particular legislation that is presently before us. It's not on the pros or cons of milk pricing. I feel that the Committee of jurisdiction has the expertise there and I don't question their expertise. Where I do take great concern is how there is a process under which we work in this building and that is the separation of powers of the Legislative branch and the Judicial branch. Presently there is a court case pending involving this issue in the State of Maine and I have always had great concern. I know in the Taxation Committee, we as a routine, do not recommend that pieces of legislation come out an Ought to Pass Report on cases pending. That's because we feel that the Judicial branch should proceed to their conclusion without interference, or the potential of interference, or the perception of interference from the Legislative branch. In this case I feel passage of this legislation at this point in time would in fact at least give the perception of interference from this Legislative branch of government to the Judicial branch of government. Nope, no concerns after the Judiciary has made their decision, they've taken corrective action, or taken action at some future time. But with a case pending I feel it's unwise utilization of the process to go forward with a Bill at this time, preempting any potential judicial decision. I will be therefore voting against Enactment.

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

Senator **KILKELLY:** Thank you Madam President. Men and women of the Senate, with all due respect to my colleague, I'd like to point out that the title of this Bill is An Act to Clarify the Authority of the Maine Milk Commission. This Bill does not change policy but clarifies a position that was taken by Legislatures previous to us. What the clarifying point is, is that milk that is grown in the state of Maine, milk that is processed in the state of Maine and milk that is sold in the state of Maine, should in fact make sure that the farmer is receiving the price set by the Maine Milk Commission. When a dairy starts selling milk out of the state and they exceed 10% of their total sales out of state they are able to purchase their milk at a lower price because they are saying that they are then outside of the Maine Milk Commission. What we're saying is for that percentage of milk that is purchased in Maine, processed in Maine and sold in Maine that they would stay under the Maine Milk Commission. Since 1935 this Legislature has seen fit to protect the stability of the dairy industry in this state. We spend a lot of time in this Legislature talking about sprawl. We spend a lot of time talking about rural life. I contend that the best way to contend with sprawl is to allow people to earn a living from their land. We are not going to be allowing dairy farmers to earn a living from their land if we don't provide a reasonable amount of stability in the price for milk. In just the last month we've seen the price of milk drop \$6 to \$8 a hundred pounds. That is a tremendous burden for farmers. One of the other things that concerns me very much in both of my Committees, in Agriculture and also Inland Fisheries and Wildlife, is a diversity in our economy. We need to make sure that the policies of this state support a variety of economic activities so that people that want to be herdsmen, people who want to run dairy farms and people who want to sit behind a computer at MBNA, or go to veterinary school or be a doctor, all have an equal opportunity to live in the state of Maine. We've also had a big focus on local food, Local food also means local milk. If we don't clarify what the previous Legislatures have said, which is milk that is grown, processed and sold in the state of Maine ought to come under the Maine Milk Commission, than we will allow two of the dairies to pay a lower price for their milk. Right now what one of the dairies is doing is they're giving a bonus which in fact equals the price set by the Maine Milk Commission. But there's another little tiny dairy in the state that's never going to be able to sell 10% of their milk out of state and they're always going to have to pay the higher price. So there is a tremendous problem that those folks are going to be facing. This is a clarification. I agree that we shouldn't go in and try to pull the rug out from under another branch of government when their making a decision. But I think that we also have an obligation that when we see a decision that's being made and we believe that the decision is being made in a way that does not reflect the position the Legislature has taken, that we have an obligation, we have an absolute obligation, to clarify the position. This Bill came out of Committee as a unanimous Ought to Pass Report. After a lengthy public hearing and after work sessions, the Committee is very concerned about the future of agriculture and very concerned about the ability of this state to maintain it's rural culture and maintain opportunity. This Bill is essential for that purpose and I urge your support. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS** : Madam President, men and women of the Senate, I too want to join in expressing my sentiments behind this Bill, the significance of the Bill and the necessity for it and perhaps I can make one point that can help. As I understand the proceedings, there is a case pending not in another branch of state government, but in a branch of the Federal government. In Federal court there is a piece of litigation which seeks to challenge whether the Maine Milk Commission can Constitutionally regulate milk that is produced in Maine, processed in Maine and then sold to Maine consumers. And one of the problems in that litigation is a lack of clarity, about whether it is the intention of one of our preceding Legislatures to give the Milk Commission that power, that authority. The Agriculture Committee, and I think most of us in this building, would agree freely that the Maine Milk Commission should have that power. If not that power, than what other power would we give them? So what we're doing by passing this legislation is to clarify Maine Law. Clarify the intention with which it was created and with which it's being maintained and to answer a question that is pending so that the court case can go forward to address the more substantial issue of whether there's a Constitutional impediment to our regulating milk in this fashion. It will actually accelerate the process of the litigation to have this question answered in this Chamber and the other Chamber as they proceed. For that reason it is presented as an Emergency Measure. It's an Emergency Measure because it will facilitate the work of another branch of our Federal government and not impede it. Thank you.

Off Record Remarks

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD**: Thank you Madam President. I'd like to pose a couple of questions through the chair.

THE PRESIDENT PRO TEM: The Senator may pose his questions.

Senator **MICHAUD**: Thank you Madam President. It's my understanding that there's a differential price between the Federal order and what we pay at the state. Does this Bill affect that at all, and what is that price? The second question is if Grants stops processing, which I understand might happen, if they did stop processing what effect will this have on the Holton Dairy Farm? Thank you Madam President.

THE PRESIDENT PRO TEM: Senator Michaud of Penobscot poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING**: Thank you Madam President. I'll attempt to answer the good Senator's questions. First off the difference in the two prices currently is around 75 cents per 100 pounds of milk. Ironically, the particular dairy involved that is now waiting for the final vote to try to unclarify this clarifying piece of legislation is

currently paying this 75 cents, even though technically they may not have to. That's what this suit is about. If this Bill passes it will not effect their current practice one iota. The second question is Houlton Farms Dairy. Houlton Farms Dairy is a very small dairy in Aroostook County, family owned. A dairy very important to the State of Maine. All dairies have problems, what's called balancing. Sometimes, either they have too much milk or sometimes they don't have enough and they work with other dairies to ship milk back and forth to help their needs. I know this particular dairy in Bangor has, I don't want to use the words threatened, so I won't, told Houlton Farms that they will not balance for them anymore. I do know that the Agrimart Milk Co-op and Oakhurst Dairy in Portland have both made the offer to Houlton Farms Dairy that they will balance for them. So they'll be covered in this respect and I guess while I'm on my feet, Madam President with permission, I can't resist to say that this really is no longer Grant's Dairy, this is Sousa Foods, the largest dairy conglomerate in the United States, owned by a company headquartered in Texas. The former owner of Grants Dairy told me several times in the 70's and 80's when I used to come here occasionally as a private citizen dairy farmer, that his stomach would turn if any dairy in Maine tried to do what Sousa Foods is currently trying to do in court. And I couldn't resist clarifying that as well for the members of the Chamber. Thank you.

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

Senator **MURRAY**: Thank You Madam President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **MURRAY**: Thank you. There is a reference to a current law I guess or regulation dealing with this 10 % threshold. The question I have is whether or not that 10 % threshold would then make a processor under Federal regulation? Is that a Federal statute and if so, is there a preemption question that is part of what's being considered in the Federal court case at this time?

THE PRESIDENT PRO TEM: Senator Murray of Penobscot poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Nutting

Senator **NUTTING**: Thank you Madam President. I want to thank the good Senator for posing this question as well. I meant to cover this while I was up and forgot. This clarification does not effect the 10% Rule at all because that is Federally set. What this clarification is attempting to do is to say that whatever percentage of milk be it 85%, or 80%, or 89% that is produced and sold in Maine, that comes under the authority of the Maine Milk Commission. We would not have any authority to change the Federal 10% Rule. Ironically some of these dairies know that they're out-of-state owned, are moving approximately 11% or 12% of their milk out-of-state it just happens to be 1 or 2 percentage points over the 10%. But that's how it happened to work out. So this doesn't effect the 10% Rule at all. This just clarifies that milk processed and sold in Maine will come under the authority of Maine Milk Commission.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Fellow members of the Senate, a brief response to the Senator from Penobscot's question, it seems to me that the issue of preemption or Constitutionality are blended questions that are properly before that court. You can't clearly reach that issue unless there is a clear understanding of what Maine law provides. In other words, is it our intention that the remaining percentage, the 85% or what have you, be subject to regulation by the Maine Milk Commission and until that intention is made manifest, the court will have difficulty getting to the issue that really brings the parties into litigation. That is whether it is appropriate for the Maine Milk Commission to have that power and whether it's Constitutional, or whether it is preempted by Federal law. Thank you.

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 5 Senators having voted in the negative, and 27 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Name the Route 160 Bridge in Brownfield Spanning the Saco River the Charles E. Hill Memorial Bridge
H.P. 551 L.D. 772
(H "A" H-65)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Act

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

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/23/99) Assigned matter:

Resolve, to Establish a Commission to Encourage Incorporations in Maine (EMERGENCY)

S.P. 697 L.D. 1972

Tabled - March 23, 1999, by Senator **RAND** of Cumberland.

Pending - **REFERENCE**

(In Senate, March 23, 1999, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed. Subsequently, on motion by Senator **RAND** of Cumberland, **RECONSIDERED**.)

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/23/99) Assigned matter:

Bill "An Act to Improve the Quality of Child Care"

S.P. 648 L.D. 1828

Tabled - March 23, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(In Senate, March 23, 1999, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed. Subsequently, on motion by Senator **PINGREE** of Knox, **RECONSIDERED**.)

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/24/99) Assigned matter:

Bill "An Act to Ensure Access to Prescription Drugs for the Elderly"

H.P. 1347 L.D. 1947

Tabled - March 24, 1999, by Senator **PINGREE** of Knox.

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

(In House, March 23, 1999, **REFERRED** to the Committee on **TAXATION**.)

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/25/99) Assigned matter:

JOINT RESOLUTION - relative to memorializing the President of the United States and the United States Congress to Support a World War II Memorial

S.P. 722

Tabled - March 25, 1999, by Senator **PINGREE** of Knox.

Pending - motion by President **LAWRENCE** of York to **ADOPT**

(In Senate, March 25, 1999, on motion by President **LAWRENCE** of York, **READ**.)

INDEFINITELY POSTPONED.

Off Record Remarks

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

On motion by Senator **RAND** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until Monday, April 5, 1999, at 10:00 in the morning, in memory of and lasting tribute to Representative Albert P. Gamache of Lewiston.