

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

In Senate Chamber
Tuesday
January 28, 2003

Senate called to order by President Beverly C. Daggett of Kennebec County.

Prayer by Bishop Joseph J. Gerry of Portland.

BISHOP GERRY: Let us pray. Blessed are You, O Lord, our God. All Your creation bespeaks Your greatness and kindness and all earthly powers are to serve You. Help the Senators here in Augusta to fulfill their responsibilities worthily and well, for in honoring and striving to please You at all times, they will reverence every human person, respect and protect Your creation, and labor for the establishment of a society of peace, justice, and freedom for the people entrusted to them.

In a society that grows ever more complex, the questions that will seek their resolution are, themselves, more and more complicated and constantly more varied, daily trying their very best efforts to achieve just responses. Mindful that our founding fathers declared, over two centuries ago, that You have endowed every person with certain inalienable rights, among them the right to life, liberty, and the pursuit of happiness, we ask You, Almighty God and Father, that, in the process of discharging their duties to protect these rights, You bestow upon them a full measure of prudent reflection and an abundance of wisdom, courage, compassion, and ever constant vigilance.

We ask this, Eternal Father, in the confidence that You, the God of justice and mercy, will hear and answer our prayer. Amen.

Pledge of Allegiance led by Senator Richard A. Bennett of Oxford County.

Doctor of the day, Eric Metzler, M.D. of West Enfield.

Reading of the Journal of Thursday, January 23, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Commercial Fishing Industry

S.P. 24 L.D. 38

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

In Senate, January 16, 2003, **REFERRED** to the Committees on **MARINE RESOURCES** and **TAXATION**.

Comes from the House, **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act to Establish and Permit Medical Savings Accounts"

H.P. 211 L.D. 256

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

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication:

S.C. 18

**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 13, 2003

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under M.R.S.A. Title 30-A, § 5042, we are pleased to appoint Don Gean of Alfred to the Interagency Task Force on Homelessness and Housing.

If you have any questions regarding this appointment, please do not hesitate to contact us.

Sincerely,

S/Beverly Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 17

**COMMITTEE TO CONTINUE TO STUDY
THE BENEFITS AND COSTS FOR INCREASING
ACCESS TO FAMILY AND MEDICAL LEAVE**

January 22, 2003

The Honorable Beverly C. Daggett, President
The Honorable Patrick Colwell, Speaker
121st Maine Legislature
State House
Augusta, ME 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Resolves, chapter 115, the Committee to Continue to Study the Benefits and Costs For Increasing Access to Family and Medical Leave is pleased to submit its final report including

recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Betheda Edmonds, Senate Chair

S/Representative Gerald M. Davis, House Chair

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

SENATE PAPERS

Bill "An Act to Prevent Abuse of Elephants"

S.P. 109 L.D. 327

Sponsored by Senator PENDLETON of Cumberland.

Cosponsored by Representative McKEE of Wayne and Senator: HALL of Lincoln, Representatives: BLISS of South Portland, BULL of Freeport, EDER of Portland, GLYNN of South Portland, PARADIS of Frenchville, PINEAU of Jay.

Bill "An Act to Stabilize the Maine Dairy Industry" (EMERGENCY)

S.P. 120 L.D. 338

Sponsored by Senator GAGNON of Kennebec.

Under suspension of the rules, cosponsored by Representative McKEE of Wayne and Senators: BRYANT of Oxford, HATCH of Somerset, KNEELAND of Aroostook, MAYO of Sagadahoc, MITCHELL of Penobscot, ROTUNDO of Androscoggin, STANLEY of Penobscot, WESTON of Waldo, Representatives: CARR of Lincoln, CLARK of Millinocket, CLOUGH of Scarborough, COWGER of Hallowell, DAVIS of Falmouth, DUPREY of Medway, GOODWIN of Pembroke, HATCH of Skowhegan, JACKSON of Fort Kent, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, MILLS of Cornville, PATRICK of Rumford, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, ROSEN of Bucksport, SAVIELLO of Wilton, SHERMAN of Hodgdon, SMITH of Monmouth, SNOWE-MELLO of Poland, TARDY of Newport, THOMPSON of China, USHER of Westbrook, WOTTON of Littleton.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Fund the Endowment Incentive Fund"

S.P. 118 L.D. 336

Sponsored by Senator CATHCART of Penobscot.

Cosponsored by Senators: BRENNAN of Cumberland, President DAGGETT of Kennebec, ROTUNDO of Androscoggin, Representatives: Speaker COLWELL of Gardiner, McKEE of Wayne.

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Support Entrepreneurship in the State Through the Maine Microenterprise Initiative Fund"

S.P. 104 L.D. 268

Sponsored by Senator BROMLEY of Cumberland.

Cosponsored by Representative SULLIVAN of Biddeford and Senators: EDMONDS of Cumberland, MARTIN of Aroostook, Representative: PINGREE of North Haven.

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

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Bill "An Act To Stimulate Economic Growth in Northern Penobscot County"

S.P. 117 L.D. 335

Sponsored by Senator CATHCART of Penobscot.

Cosponsored by Representative CARR of Lincoln and Senators: BRENNAN of Cumberland, DAVIS of Piscataquis, HATCH of Somerset, SAWYER of Penobscot, STANLEY of Penobscot, Representatives: CLARK of Millinocket, HATCH of Skowhegan.

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

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Bill "An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development"

S.P. 119 L.D. 337

Sponsored by Senator CATHCART of Penobscot.

Cosponsored by Representative THOMAS of Orono and Senators: BRENNAN of Cumberland, President DAGGETT of Kennebec, DOUGLASS of Androscoggin, ROTUNDO of Androscoggin, SAWYER of Penobscot, Representatives: Speaker COLWELL of Gardiner, DUNLAP of Old Town, FAIRCLOTH of Bangor.

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

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Bill "An Act to Encourage the Use of Generic Drugs"

S.P. 111 L.D. 329

Sponsored by Senator BRENNAN of Cumberland.

Cosponsored by Senators: President DAGGETT of Kennebec, DOUGLASS of Androscoggin, HALL of Lincoln, HATCH of Somerset, MITCHELL of Penobscot, Representatives: BRANNIGAN of Portland, KANE of Saco.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

Bill "An Act To Increase Access to Higher Education"

S.P. 108 L.D. 326

Sponsored by Senator **BRENNAN** of Cumberland.

Cosponsored by Representative **KANE** of Saco and Senators: President **DAGGETT** of Kennebec, **DOUGLASS** of Androscoggin, **MAYO** of Sagadahoc, **ROTUNDO** of Androscoggin, **WESTON** of Waldo, Representatives: **CUMMINGS** of Portland, **DUDLEY** of Portland, **LAVERRIERE-BOUCHER** of Biddeford.

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Resolve, Affecting the MaineCare Reimbursement Formula

S.P. 114 L.D. 332

Sponsored by Senator **DOUGLASS** of Androscoggin.

Cosponsored by Representative **DUDLEY** of Portland and Senators: **BRENNAN** of Cumberland, **ROTUNDO** of Androscoggin, Representatives: **DUGAY** of Cherryfield, **FINCH** of Fairfield, **HUTTON** of Bowdoinham, **MILLS** of Cornville, **PERRY** of Calais, **SIMPSON** of Auburn.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Give Priority in the Antlerless Deer Permit System to a Person Who Owns 100 Acres or More of Land and Permits Hunting on the Land"

S.P. 106 L.D. 270

Sponsored by Senator **WOODCOCK** of Franklin.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Law Relating to Annuities"

S.P. 121 L.D. 342

Sponsored by Senator **LaFOUNTAIN** of York.

Cosponsored by Representative **O'NEIL** of Saco and Senator: **MAYO** of Sagadahoc, Representative: **YOUNG** of Limestone.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Increase Courthouse Security"

S.P. 110 L.D. 328

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative BUNKER of Kossuth Township.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish a Transportation Assistance Program and Revolving Loan Fund"
S.P. 116 L.D. 334

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative MARRACHÉ of Waterville, Representative MARLEY of Portland and Senators: BRYANT of Oxford, HATCH of Somerset, MAYO of Sagadahoc, Representatives: HATCH of Skowhegan, HUTTON of Bowdoinham, PATRICK of Rumford.

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act Concerning Boards of Assessment Review"
S.P. 103 L.D. 267

Sponsored by Senator HALL of Lincoln.

Bill "An Act To Clarify the Laws Pertaining to the Surcharge for Records Preservation for the Registry of Deeds"
S.P. 107 L.D. 325

Sponsored by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative McLAUGHLIN of Cape Elizabeth and Senators: DAVIS of Piscataquis, GILMAN of Cumberland, KNEELAND of Aroostook, Representative: ROGERS of Brewer.

Resolve, Directing the Department of Audit To Establish a Fraud Hotline
S.P. 115 L.D. 333

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative FINCH of Fairfield and Senator: BRENNAN of Cumberland.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Exempt Special Mobile Equipment from Sales Tax"
S.P. 105 L.D. 269

Sponsored by Senator WOODCOCK of Franklin.

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Ability of Transmission and Distribution Utilities To Market Electricity at Retail"

S.P. 112 L.D. 330

Sponsored by Senator HALL of Lincoln.
Cosponsored by Representative BLISS of South Portland.

Bill "An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls"

S.P. 113 L.D. 331

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative HUTTON of Bowdoinham and Senators: ROTUNDO of Androscoggin, STANLEY of Penobscot, Representatives: DAVIS of Falmouth, DUDLEY of Portland, DUGAY of Cherryfield, LEDWIN of Holden, MILLS of Cornville, SIMPSON of Auburn.

On motion by Senator HALL of Lincoln, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/23/03) Assigned matter:

Bill "An Act to Establish the Regional County Corrections Construction Authority"
H.P. 112 L.D. 103

Tabled - January 23, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.)

(In House, January 21, 2003, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

Bill "An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions"
H.P. 162 L.D. 203

Tabled - January 23, 2003, by Senator **GAGNON** of Kennebec

Pending - **REFERENCE**

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

(In House, January 21, 2003, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

All matters thus acted upon were ordered sent down forthwith for concurrence.

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

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands"

H.P. 227 L.D. 284

Bill "An Act to Provide for Proper Identification of Stray Cats by Animal Shelters"

H.P. 240 L.D. 297

Bill "An Act To Ban the Hunting of Animals in an Enclosed Area"

H.P. 243 L.D. 300

Bill "An Act To Provide a Discount to Farmers Who Are Certified as Organic Farmers and Lease Land from the State"

H.P. 258 L.D. 315

Bill "An Act to Reenact Standards for Road Construction for Forest Management Activities"
H.P. 262 L.D. 319

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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

Bill "An Act To Support the Regional Library System"
H.P. 222 L.D. 279

Bill "An Act To Support Individuals With Developmental Disabilities Who Have Been Physically or Sexually Abused"
H.P. 235 L.D. 292

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds
H.P. 264 L.D. 321

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

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL 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

Bill "An Act Concerning the Membership of the Board of Dental Examiners" (EMERGENCY)
H.P. 218 L.D. 275

Bill "An Act To Amend the Home Construction Contracts Laws"
H.P. 230 L.D. 287

Bill "An Act Regarding the Licensing of Foresters"
H.P. 239 L.D. 296

Bill "An Act To Allow Licensed Master Social Workers To Contract with Agencies in the State"
H.P. 250 L.D. 307

Bill "An Act To Require Information on New Well Caps"
H.P. 271 L.D. 341

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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

Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole"

H.P. 254 L.D. 311

Bill "An Act to Create a Crime of Refusing an Alcohol Test in Operating-under-the-influence Cases"

H.P. 267 L.D. 324

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Allow Access to State Postsecondary Educational Institutions to Maine Seniors"

H.P. 244 L.D. 301

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

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL 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, Regarding the Criminal Records of Certified Nursing Assistants

H.P. 224 L.D. 281

Bill "An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates under the Medicaid Program"

H.P. 228 L.D. 285

Bill "An Act To Revise the Laws Regulating Boarding Homes"

H.P. 238 L.D. 295

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

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase Protection for Endangered and Threatened Species"
H.P. 246 L.D. 303

Bill "An Act to Raise the Minimum Age for Operation of an ATV from 10 Years of Age to 16
Years of Age"
H.P. 247 L.D. 304

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND
FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Provide Parity in Lending by State-chartered Lenders"
H.P. 234 L.D. 291

Bill "An Act to Ensure that Property or Casualty Insurance Companies Can Not Deny Policy
Owners Who have Foster Children in Their Care"
H.P. 237 L.D. 294

Bill "An Act to Prohibit Absolute Discretion Clauses in Health Carrier and Excess Loss Carrier
Contracts"
H.P. 259 L.D. 316

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **INSURANCE
AND FINANCIAL SERVICES** 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

Bill "An Act To Title Mobile Homes, Boats, All-terrain Vehicles and Snowmobiles"
H.P. 229 L.D. 286

Bill "An Act To Amend the Abortion Reporting Laws To Eliminate Immunity for a Physician Who
Reports Data on an Abortion"
H.P. 242 L.D. 299

Bill "An Act To Require Church Officials To Report Suspected Abuse"
H.P. 252 L.D. 309

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on
JUDICIARY and ordered printed, in concurrence.

Bill "An Act To Prohibit Municipal Elections within 60 Days of a Statewide Election"
H.P. 225 L.D. 282

Resolve, to Authorize Michelle Booker to Sue the State

H.P. 231 L.D. 288

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

On motion by Senator **TREAT** of Kennebec, **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

Bill "An Act To Improve Guidance to the Commissioner of Marine Resources for Granting Marine Aquaculture Leases"

H.P. 214 L.D. 271

Bill "An Act to Expand Aquaculture Site Location Criteria to Include Aesthetic Impact and Property Value Changes"

H.P. 215 L.D. 272

Bill "An Act to Allow the Sale of Lobster and Crab Fishing Licenses"

H.P. 219 L.D. 276

Bill "An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License"

H.P. 220 L.D. 277

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** 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

Bill "An Act To Eliminate the Restriction on Municipal Investment of Trust Funds"

H.P. 221 L.D. 278

Bill "An Act to Clarify the Jurisdiction of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources"

H.P. 223 L.D. 280

Bill "An Act To Clarify the Law on County Capital Expenditure Accounts"

H.P. 226 L.D. 283

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005

H.P. 253 L.D. 310

Bill "An Act To Prohibit Expenditures To Implement Treaties Not Ratified by the United States Senate"

H.P. 260 L.D. 317

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act to Streamline Maine's Planning Process" (EMERGENCY)

H.P. 251 L.D. 308

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Create the Family Technology Assistance Tax Credit"

H.P. 232 L.D. 289

Bill "An Act To Amend the Lien Procedures for Time-share Estates"

H.P. 248 L.D. 305

Resolve, To Study the Property Valuation Process

H.P. 257 L.D. 314

Bill "An Act Concerning Counties' Share of the Real Estate Transfer Tax"

H.P. 263 L.D. 320

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

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to the Committee on **TAXATION** 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

Bill "An Act To Ensure That Title Applications are Timely Delivered"

H.P. 233 L.D. 290

Bill "An Act To Require Additional Driving Time and a 30-day Waiting Period for Retesting Minors Who Fail Their Driver's Exams"

H.P. 236 L.D. 293

Resolve, Directing the Department of Transportation to Perform a Regional Corridor Traffic Study

H.P. 255 L.D. 312

Bill "An Act to Rename the Gasoline Tax the 'Road Services Fee'"

H.P. 256 L.D. 313

Resolve, To Direct the Department of Transportation To Develop Rules To Control Wheel Spray from Large Commercial Vehicles

H.P. 261 L.D. 318

Bill "An Act To Set Limits on Fines That May Be Assessed for Nonhabitual Offenders under Maine's Truck Weight Laws"

H.P. 265 L.D. 322

Bill "An Act To Allow Modular Home Transporters To Obtain Trailer Transit Plates" (EMERGENCY)

H.P. 266 L.D. 323

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

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** 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

Bill "An Act To Define Standard-offer Service as a Service of Last Resort"

H.P. 241 L.D. 298

Bill "An Act To Make Adjustments to the Renewable Energy Portfolio"

H.P. 245 L.D. 302

Bill "An Act To Ensure Recovery of Extraordinary, Terrorism-related Security Costs for Public Utilities" (EMERGENCY)

H.P. 249 L.D. 306

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

On motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Make Corrections to Laws in Conflict with MCJUSTIS Changes" (EMERGENCY)

H.P. 25 L.D. 18

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-5)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-5)**.

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

READ ONCE.

Committee Amendment "A" (H-5) **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-5)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure"

H.P. 216 L.D. 273

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

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 217 L.D. 274

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

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Amend Certain Aspects of Post-conviction Review Procedure"

H.P. 269 L.D. 340

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

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Workers' Compensation Board**

The **Workers' Compensation Board**, pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asked leave to report that the accompanying Bill "An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing"

H.P. 268 L.D. 339

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

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

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

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide for the Passage of Anadromous Fish Species into the Little River"

H.P. 132 L.D. 173

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Off Record Remarks

Senator **CATHCART** of Penobscot was granted unanimous consent to address the Senate off the Record.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, January 30, 2003, at 10:00 in the morning.