

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

In Senate Chamber
Wednesday
February 13, 2002

Senate called to order by President Richard A. Bennett of Oxford County.

Prayer by Reverend Susan Crane, First Baptist Church of Gardiner.

REVEREND CRANE: Good morning. In the beginning, God created human kind in God's own image, male and female, we were created. I take this to mean that, as human beings, we have the potential to perfectly reflect God's image in the way we live our lives and love our neighbors. How clearly is the image of God reflected in our lives? In our work? In the ways we seek to make this world a better place? The prophet Malachi believed that God's coming would be something 'like a refiner's fire...that God would sit as a refiner and purifier of silver...' When a silversmith works, the artist holds a small container of silver over the very hottest part of the flame. First the metal softens and finally becomes a liquid. The hotter the silver becomes, the more impurities are released to rise to the surface and be skimmed off. The silversmith will tell you that the silver has to reach a certain temperature before he can work with it. If the silver gets too hot, it can be ruined. How does the silversmith know when the silver is ready to be pored? 'Oh, that's easy,' replies a good silversmith, 'I know the silver is ready when I can see my image reflected in it.' Now this is a very good description of the refining work of God in our lives too. God may hold us over the hottest part of the fire until all the impurities get worked out. But God also knows just the right time to stop that refining process and complete each new creation. The process of spiritual formation will only be finished when God's image becomes clearly visible in every human life and the whole creation is once again made new.

Will you join me in prayer? Oh giver of life and all good gifts, we are thankful that You never stop caring about Your creation. You have made us in Your image, Lord, capable of loving with the Holy love. So often we fall short of our potential, though. So often Your image in our lives is far from clear. You entrust us with the care of the earth. You depend upon us to do justice and love mercy. You call upon us to be peace makers and life givers. Today, Lord, we ask to be refined by Your blessing. As leaders responsible for believing the future into being, we pray that this day Your image will be more perfectly reflected in all we say and do. Amen.

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

Reading of the Journal of Tuesday, February 12, 2002.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Order

On motion by Senator **SAWYER** of Penobscot, the following Joint Order: S.P. 771

ORDERED, the House concurring, that the Joint Standing Committee on Labor shall report out, to the Senate, legislation to make changes to the laws governing law enforcement retirement.

READ.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **SAWYER** of Penobscot to **PASS**.

Joint Resolution

On motion by Senator **GOLDTHWAIT** of Hancock (Cosponsored by Representative MARRACHÉ of Waterville and Senators: PENDLETON of Cumberland, RAND of Cumberland, Representatives: ANDREWS of York, FULLER of Manchester, LEDWIN of Holden, SHIELDS of Auburn), the following Joint Resolution: S.P. 772

**JOINT RESOLUTION PROMOTING PHYSICAL FITNESS
AND GOOD HEALTH IN MAINE**

WHEREAS, 3 out of 4 Maine citizens die from 4 often preventable diseases: cardiovascular disease, cancer, chronic lung disease and diabetes; and

WHEREAS, approximately 29,000 hospitalizations occur in Maine each year due to cardiovascular disease, and cardiovascular disease accounts for more than 1/4 of all hospital charges, exceeding \$397,000,000 annually; and

WHEREAS, physical inactivity, excess weight, obesity and poor nutrition are major risk factors for cardiovascular disease and diabetes; and

WHEREAS, fewer than 25% of adults and fewer than 33% of high school students in Maine get the recommended 30 minutes per day of physical activity on most days of the week; and

WHEREAS, 20% of Maine adults are obese, the highest rate in New England, and our youngest citizens' obesity rate is increasing; and

WHEREAS, physical inactivity is the major risk factor for excess weight and obesity; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, on behalf of the people of the State of Maine, proclaim that all Maine people are encouraged to follow the United States Surgeon General's recommendations to get at least 30 minutes of physical activity on most days of the week, all Maine communities should promote physical activity whenever possible and all Maine children should engage in moderate to vigorous physical activity for 30 to 60 minutes 3 or more days a week; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education and the Department of Human Services, Bureau of Health.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, today is fitness and wellness day in the State House and I hope that you'll stop by the Hall of Flags to look at the exhibits there and have your blood pressures taken, possibly by a member of this very body. I do want to say that this issue is one that tends to become so routine that it is sometimes hard to hear the message. But the message is this, the majority of the issue about health care costs in Maine, as nationally, is in each of our hands because the bulk of the cost of health care comes from lifestyles that are not conducive to wellness. As sorry as I am to have to say it, it's not going to be fixed by something out of a can or a pill or something of that nature. It is only going to be fixed by a commitment of each and every one of us to build better nutritional and better activity habits into our daily lives. That is not easy to do. There is no more a abysmal lifestyle than serving as a legislator as far as trying to be a healthy person. There is food way too available that is not the sort of food that you'll see in the food pyramid. We have long, long periods of being sedentary. We work too late at night to be in the mood to exercise and in the morning we have got a lot on our minds other than getting that time in. There are a few of our members who are very diligent about that and they are probably strong legislators because of it. But, as I said, ultimately, the tremendous problems that we are facing in the room below here, trying to balance a budget, could, in large measure, be solved if we, as a population in the State of Maine, were to change our lifestyle habits, be healthier people, and get rid of those healthcare costs. We're never going to find enough money to pay for those things. It is all about reducing costs and the biggest component of that is readily solvable but those behavioral changes are very difficult to make. So I hope you will come downstairs and take a look at that. But more importantly, think about where in your day you can squeeze in a 15 minute walk instead of another slice of pizza and help us to control healthcare costs at the root of it. Thank you very much.

On motion by Senator **GOLDTHWAIT** of Hancock, **ADOPTED.**

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants"

H.P. 1405 L.D. 1843

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.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Fire Inspections for Foster Homes"

H.P. 1409 L.D. 1847

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.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY)

H.P. 1428 L.D. 1925

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.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services"

H.P. 1452 L.D. 1949

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.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais"

H.P. 1479 L.D. 1980

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.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Enhancements to the Small Enterprise Growth Program"

H.P. 1420 L.D. 1868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-778)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-778)**.

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

READ ONCE.

Committee Amendment "A" (H-778) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels"

H.P. 1451 L.D. 1948

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-777)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)**.

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

READ ONCE.

Committee Amendment "A" (H-777) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws"

H.P. 1519 L.D. 2023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-776)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776)**.

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

READ ONCE.

Committee Amendment "A" (H-776) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-776), in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Mr. President. May I pose a question through the chair?

THE PRESIDENT: The Senator may pose her question.

Senator **RAND:** To anyone who can answer, would you please tell us what amendments to the election law are being made with this bill?

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

Senator **DOUGLASS:** I answer to the good Senator from Cumberland, Senator Rand, this bill makes certain changes to clarify the election laws. Basically it is sort of an errors and omissions action. There was an additional proposal in the original bill that would have affected citizens who have children or those who live out-of-state and are residents of Maine. The amendment deletes that portion. Most of the other provisions are really very straight forward. If you wish to have further explanation of them, I think I'd need to prepare a bit more thoroughly. But basically it was an errors and omissions type of bill.

Subsequently, Committee Amendment "A" (H-776) **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act to Provide Property Tax Relief from the Cost of Public Transportation"

H.P. 386 L.D. 507

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

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

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

READ ONCE.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Endowment Incentive Fund" (EMERGENCY)

H.P. 33 L.D. 42

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

Signed:

Senators:

GOLDTHWAIT of Hancock
MILLS of Somerset

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
BRANNIGAN of Portland
ETNIER of Harpswell
NASS of Acton
WINSOR of Norway
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-782).**

Signed:

Senator:

CATHCART of Penobscot

Representatives:

TESSIER of Fairfield
JONES of Greenville
BELANGER of Caribou

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

Reports **READ.**

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

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

Senate

Ought to Pass

Senator O'GARA for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Improve the Juvenile Drug Court Program"

S.P. 658 L.D. 1850

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

Senate

Bill "An Act to Clarify the On-premise Liquor License Application Process" S.P. 681 L.D. 1883

Bill "An Act to Allow Approval of Internet-based Alcohol Server Education Courses" S.P. 717 L.D. 1919

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland" S.P. 499 L.D. 1586 (C "A" S-416)

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 S.P. 673 L.D. 1876 (C "A" S-414)

Bill "An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises" S.P. 706 L.D. 1908 (C "A" S-418)

Bill "An Act to Amend the Integrated Pest Management Laws" S.P. 716 L.D. 1918 (C "A" S-413)

Bill "An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year" (EMERGENCY) S.P. 726 L.D. 1967 (C "A" S-417)

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 Authorize the Formation of Regional County Corrections Authorities S.P. 662 L.D. 1853 (C "A" S-410)

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, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Amend the Charter of the Winterport Sewerage District H.P. 1418 L.D. 1862 (H "A" H-769 to C "A" H-761)

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, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Allow the Courts to Utilize the Maine Governmental Facilities Authority to Issue a Bond of \$2,500,000 to Finish the Repairs at the Lewiston District Court H.P. 1425 L.D. 1866 (C "A" H-760)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Amend the Maine Insurance Guaranty Association Act
S.P. 268 L.D. 915
(C "B" S-402)

An Act to Ensure Continued Reporting of Tax Incentive Recipients
S.P. 655 L.D. 1834
(C "A" S-408)

An Act to Clarify Licensure for the Operation of Antique Trucks
H.P. 1397 L.D. 1836
(C "A" H-768)

An Act to Eliminate Unnecessary Filing Requirements for Water Utilities
H.P. 1399 L.D. 1838
(C "A" H-765)

An Act to Amend the Definition of "Governmental Unit" as It Relates to the Maine Municipal Bond Bank Act
H.P. 1412 L.D. 1856

An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans
S.P. 674 L.D. 1877

An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation
S.P. 679 L.D. 1881

An Act to Clarify the Application of Workers' Compensation Coverage Requirements to Wood Harvesters
H.P. 1549 L.D. 2052

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

Resolve

Resolve, Directing the Department of Transportation to Make Recommendations to the Legislature to Provide More Stable Financial Support for the Casco Bay Island Transit District
H.P. 674 L.D. 874
(C "A" H-762)

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Today is health day in the Maine Senate. Tomorrow is eat chocolate day in the Maine Senate. You just can't have it both ways. But tonight is to raise more money for scholarships to be given out next year. We are honored to have 11, I believe, of the scholarship recipients here in the Senate with their parents, relatives, and

friends. Tonight we will auction many items in order to do the same next year. I think we will now do some presentations. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **CARPENTER**, and the Senator from Androscoggin, Senator **ROTUNDO**, to the well of the chamber.

THE PRESIDENT: We are pleased to recognize with us today the Legislative Memorial Scholarship Award recipients. They will be brought forward, sequentially, with their Senator for a photo in the well of the chamber with the Senator from York, Senator Carpenter, and the Senator from Androscoggin, Senator Rotundo.

Anthony Signer of Greene with the Senator from Androscoggin, Senator Nutting; Brooke Smith Stowell of Raymond with the Senator from Cumberland, Senator Turner; Ashley Foley of Deer Isle with the Senator from Hancock, Senator Goldthwait; Ashley Herrin of Waterville with the Senator from Kennebec, Senator Gagnon; Kala Myers of Rockport with the Senator from Knox, Senator Savage; Andrei Adams of Lovell with the Senator from Oxford, Senator Ferguson; Sarah Mountcastle of Orono with the Senator from Penobscot, Senator Cathcart; Michael Doore of Dover-Foxcroft with the Senator from Piscataquis, Senator Davis; Sarah Wing of Richmond with the Senator from Kennebec, Senator Treat; Sarah Hussey of Machias the Senator from with Washington, Senator Shorey; Joseph Clough of Waterboro with the Senator from York, Senator McAlevey.

This year the Legislative Memorial Scholarship for Knox County is being given out under the name of the Honorable Elmer 'Bud' Savage, who passed away in September. Bud Savage lived and work in Knox County his entire life. He and his wife, Senator Christine Savage, raised 4 children in Union. He spent over 50 dedicated years with the Union Fair, serving as both Assistant Treasurer and Treasurer of the Fair. Bud was also active in municipal, county, and state government, having served in the 115th Legislature as a member of the other body. Bud loved Knox County and the people who live there. It is only fitting that he be honored by dedicating this years Knox County scholarship in his name.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **CARPENTER**, and the Senator from Androscoggin, Senator **ROTUNDO**, from the well of the chamber.

Senate at Ease.

Senate called to order by the President.

Under suspension of the Rules, 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.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **SAWYER** of Penobscot, **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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **SAVAGE** for the Committee on **TRANSPORTATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds

S.P. 705 L.D. 1907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-419)**.

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

READ ONCE.

Committee Amendment "A" (S-419) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

PAPERS FROM THE HOUSE

**Pursuant to Statutes
Department of Education**

The **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Administration of Medicine in the School Setting, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1608 L.D. 2106

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

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statutes
Public Utilities Commission**

The **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1609 L.D. 2107

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

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

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

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

PAPERS FROM THE HOUSE

Joint Study Order

The following Joint Study Order: H.P. 1589

ORDERED, the Senate concurring, that the Commission to Study Issues Concerning Land Acquisition in Washington County is established as follows.

1. Commission established. The Commission to Study Issues Concerning Land Acquisition in Washington County, referred to in this order as the "commission," is established.

2. Commission membership. The commission consists of 7 members appointed as follows:

- A. Two Senators appointed by the President of the Senate;
- B. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives;
- C. Two members who are faculty members at the University of Maine at Machias, recommended by the President of the University of Maine at Machias and appointed by the Speaker of the House; and
- D. One member of the public, appointed by the Speaker of the House.

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

4. Appointments; meetings. 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 once the appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission no later than 60 days following passage of this order.

5. Duties. The commission has the following duties:

- A. To gather information pertaining to patterns of land ownership in Washington County and anticipated future land acquisition, including the acquisition of easements in Washington County; and
- B. To examine the implications of these patterns of land ownership and anticipated future land acquisition for the economic and social condition of the citizens of Washington County.

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

7. Compensation. The members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The commission shall submit a report that includes its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by November 6, 2002. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Commission budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission's budget, expenditures incurred and paid and available funds.

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

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in 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 (2/6/02) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Home Ownership" (EMERGENCY)

H.P. 1533 L.D. 2036

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-763)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-764)** (4 members)

Tabled - February 6, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report, in concurrence

(In House, February 5, 2002, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)**.)

(In Senate, February 6, 2002, Reports **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-763) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/7/02) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create the Adult Education Outreach Grant Program"

H.P. 1530 L.D. 2033

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-774)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - February 7, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, February 6, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)**.)

(In Senate, February 7, 2002, Reports **READ**.)

Senator **SMALL** of Sagadahoc requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. This was one of many difficult issues that the Appropriations Committee has looked and will look at this year. This particular item is one in which we struggled for some time, but paradoxically, there was an amount of money taken out of the budget for adult education services, which are direct classroom services, and then comes this legislation asking for additional money for outreach provisions for this bill. I am a strong supporter of adult education. Having to prioritize the way we do this year, it seemed to me that of those two issues I would prefer to attempt to restore the budget money for the actual classroom services than to expand this outreach program at this time under these circumstances. It is my understanding that that is also the preference of the adult education community. So, again, we can take all these bills with fiscal notes and send them through the process, and in fact, as you will hear, perhaps later

today, have decided to do so on some occasions. But this is one where I felt that the priority was the classroom services. If we can do anything in this area, that's where I'd like to put our firepower and that is why I'm on the Minority Ought Not to Pass and I hope you will support that motion. Thank you.

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. I just want to rise and say why I think this is a really good bill and I urge you to support it. This would provide a fund of \$200,000, in the fiscal note on the committee amendment, for adult education programs, working through the Department of Education, to offer grants to a number of adult education programs already existing if they will be innovative and creative and work at getting more of their students to go on to higher education. I don't think I need to tell you, we've been reminded in the newspapers a lot in the last week or two about the measure of growth from the Maine Economic Growth Council and the Post Secondary Educational Attainment Commission, that we have the lowest percentage of our citizens with college degrees in New England. Many of those are adults who have been out in the work force who, for reasons of finances or feeling they couldn't do it or family background, could not go on to college when they were 18. We need to target those people, not just our 18 year olds, to get them to go to college. We need to get the people who are going back and getting the GEDs or taking an adult education course. The recent study done by the Technical College System and Strategic Marketing Services of Portland found that one in two adults currently without a college degree would be interested in earning a college degree. I think it's worth putting a small amount of money into this project to see if we can't get more of those adults to go back to school and that would lead them to a better career and a better economy for the future of Maine. Thank you very much.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I rise to agree, essentially, with both of the preceding speakers. It is a worthwhile program and getting some of these more mature people into colleges and encouraging them to go on to school is a good and worthy cause. However, the basic budget proposal that lays before us in the Appropriations Committee is to cut basic services to this program by \$130,000. That's a cut from classroom services being delivered in one district after another and my own highest priority is to try to restore that cut if we possibly can do it. The notion of entertaining an additional \$200,000 for this program for this difficult time simply doesn't seem feasible or appropriate. I don't know where this suggestion was 2 to 3 years ago when we had surplus money available to spend on worthy ideas like this. But this is clearly not the time, in my view, to be starting a new initiative when so many of our prior programs are suffering under cuts and threats of layoffs in those line items. For that reason, I did vote against the bill even though it's a very worthy suggestion.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President, men and women of the Senate. I think the good Senator from Penobscot, Senator Cathcart, really put forth the reasons why this is so critical to go forward. I do understand that there was already a cut and the restoration to the cut is their higher priority. If we had to choose today between the two, then I certainly would go along with the good Senators on the Appropriations Committee that are supporting restoring the adult education money first. However, I don't look at this as just an adult education bill. I look at it as a higher education bill, even though it's going through the adult education. It really addresses getting members or people who participate in adult education to go on to college and technical school. To me that takes it a little bit out of that either or category and puts it with some of the other initiatives that will be coming up dealing with higher education. My only concern is when these initiatives reach the Appropriations Table, and I'm assured by their sponsors that they will, that I would like to have something there competing with those that actually has a chance of getting more people to go on to higher education. It seems to me that many of the bills that we've had in the past have helped pay for higher education, but I don't know that it's really made the difference in who goes on to higher education. This bill is one of the first that I've seen that actually addresses aspirations and I think that is what is really critical in getting people who are a little bit nervous and a little timid about what is involved in getting a college or a two year degree. This would work with these people as a mentoring program, to give them some of the tools they need to take that next important step. It's one of the first times I've seen an initiative that actually does that. So I hope that you will allow this to at least go to the Appropriation Table to compete with other higher education initiatives. Whatever happens then, if those initiatives are all killed because of lack of funding, then certainly this one should be as well. My guess is that those will be considered at a later date. I'd just like to have the one bill that I've seen that actually could have a change in the number of people getting degrees right there competing with it. So I hope you will vote against the Ought Not to Pass report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just one other number that might be of interest. I want to say that the theory or policy or whatever you want to call it of sending bills to the table, again, is one that simply reflects the many priorities of this body and this case will be made, sometimes by me, many times in the course of this session. So far, the reports back from the policy committees have added \$73 million more in spending to the budget with the \$270 million shortfall. I think it's safe to say that the competition on the table, regardless of tomorrow's outcome of the forecasting commission, is going to be quite stiff and it would be helpful to the Appropriations Committee if the bodies would make some of these decisions rather than simply funneling all of the bills with fiscal notes downstairs and having the Appropriations Committee have to pull the plug. Thank you.

At the request of Senator **SMALL** of Sagadahoc a Division was had. 11 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED.**

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-774) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

NOMINATION - of Catherine R. Sullivan of Portland, for reappointment to the Maine State Retirement System, Board of Trustees

Tabled - February 12, 2002, by Senator **EDMONDS** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 12, 2002, Communication (S.C. 565) from the Committee on **LABOR, READ** and **ORDERED PLACED ON FILE.**)

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from today's Roll Call votes.

ROLL CALL (#216)

YEAS: Senators: None

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD,

MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Catherine R. Sullivan** of Portland, for reappointment to the Maine State Retirement System, Board of Trustees was **CONFIRMED.**

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

Off Record Remarks

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

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

NOMINATION - of Peter L. Judkins of Farmington, for reappointment to the Maine State Housing Authority

Tabled - February 12, 2002, by Senator **YOUNGBLOOD** of Penobscot

Pending - **CONSIDERATION**

(In Senate, February 12, 2002, Communication (S.C. 552) from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#217)

YEAS: Senators: None

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Derek P. Langhauser** of Cumberland, for reappointment to the Maine Governmental Facilities Authority was **CONFIRMED**.

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

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Peter L. Judkins** of Farmington, for reappointment to the Maine State Housing Authority was **CONFIRMED**.

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

On motion by Senator **WOODCOCK** of Franklin, **ADJOURNED** to Thursday, February 14, 2002, at 10:00 in the morning.

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

NOMINATION - of Derek P. Langhauser of Cumberland, for reappointment to the Maine Governmental Facilities Authority

Tabled - February 12, 2002, by Senator **PENDLETON** of Cumberland

Pending - **CONSIDERATION**

(In Senate, February 12, 2002, Communication (S.C. 555) from the Committee on **STATE AND LOCAL GOVERNMENT**, READ and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#218)

YEAS: Senators: None

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD,