

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

In Senate Chamber
Tuesday
February 26, 2002

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

Prayer by Reverend Desmond Parker of Augusta, United Methodist Minister, Retired.

REVEREND PARKER: Today is the anniversary of the first World Trade Center bombing in 1993 and at that time there were many acts of heroism and courage. Of course, there has been countless others following the terrorist acts of September 11th. But there are even greater acts of heroism and courage that we are called to take part in and that is to have the courage of our convictions, to stand up for what we believe to be right, even though others may disagree with us, even though we may end up on a cross. No one likes to be thought different or to be laughed at for our views. We all have a tendency to succumb to peer pressure and those in government are no different than anyone else. So my prayer for you is that you may have the strength to resist outside influences, that you may have the courage to do what is right, for that is why you were elected to this Senate. Let us pray together.

Oh mighty God, as these Senators gather to decide the affairs of this state, give them an understanding of its needs and a commitment to its welfare and a love for its people. Grant that in their decisions they may not be swayed by any parties in issue, but may have the courage of their convictions to do always that which is right, just, and compassionate. May the decisions made here be translated into legislation that will further the good of this state and make it possible for all its peoples to live in dignity and harmony with each other. Hear this, our prayer, oh God, and use us in the answering of it. Amen.

Pledge of Allegiance led by Senator Kenneth F. Lemont of York County.

Doctor of the day, Gilliam Johnston, M.D. of Oakland.

Reading of the Journal of Thursday, February 21, 2002.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Provide Disclosure and Financial Protections to Temporary Workers"

S.P. 507 L.D. 1594

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-425)** (4 members)

In Senate, February 20, 2002, on motion by Senator **EDMONDS** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)**, in **NON-CONCURRENCE**.

On motion by Senator **EDMONDS** of Cumberland, the Senate **ADHERED**.

House Paper

Bill "An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District" (EMERGENCY)

H.P. 1630 L.D. 2132

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

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

COMMUNICATIONS

The Following Communication: S.P. 790

**STATE OF MAINE
120TH LEGISLATURE**

February 22, 2002

Hon. David L. Carpenter
Senate Chair, Joint Standing Committee on
Inland Fisheries & Wildlife
Hon. Matthew Dunlap
House Chair, Joint Standing Committee on
Inland Fisheries & Wildlife
120th Legislature
Augusta, ME 04333

Dear Senator Carpenter and Representative Dunlap:

Please be advised that Governor Angus S. King, Jr. has nominated Raymond H. Poulin, Jr. of Ripley for reappointment and Tenley A. Meara of Topsham, Sara A. Dyer of New Gloucester and Robert S. Savage of Limington for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, M.R.S.A., §7033-A, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett S/Michael V. Saxl
President of the Senate Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 576

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 658 An Act to Continue Funding for the Maine Microenterprise Initiative Fund

- L.D. 687 An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State

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

Sincerely,

S/Sen. Kevin L. Shorey S/Rep. John G. Richardson
Senate Chair House Chair

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

The Following Communication: S.C. 577

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1903 Resolve, to Provide Computers to Rural Fire Stations

- L.D. 1987 An Act to Increase the Penalty for Appropriating Another Person's Social Security Number

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

Sincerely,

S/Sen. Michael J. McAlevey S/Rep. Edward J. Povich
Senate Chair House Chair

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

The Following Communication: S.C. 578

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1958 Resolve, Directing the Department of Education to Fully Reimburse Center-based Developmental

Therapy Programs under Contract with Child
Development Services

L.D. 1992 An Act to Require that the State Board of
Education Have One Student Member

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

Sincerely,

S/Sen. Betty Lou Mitchell
Senate Chair

S/Rep. Shirley K. Richard
House Chair

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

The Following Communication: S.C. 579

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 961 An Act to Expand Benefits Under the Elderly Low-
cost Drug Program

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

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

The Following Communication: S.C. 580

**ONE HUNDRED AND TWENTIETH LEGISLATURE
JOINT STANDING COMMITTEE ON
INLAND FISHERIES AND WILDLIFE**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 761 An Act Pertaining to Bear Hunting Permits
- L.D. 1861 An Act to Restrict the Use of Motors Greater than 10 Horsepower on Certain Ponds in Chain of Ponds Township in Franklin County
- L.D. 2040 An Act to Change the Registration Requirement for Certain Motorboats Used in Maine Waters

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

Sincerely,

S/Sen. David L. Carpenter S/Rep. Matthew Dunlap
Senate Chair House Chair

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

The Following Communication: S.C. 581

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON JUDICIARY**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1734 An Act to Promote Safe Schools
- L.D. 1928 An Act to Authorize the Trial of Child Custody Cases Involving the Houlton Band of Maliseet Indians in the Penobscot Nation Tribal Court
- L.D. 1950 An Act to Change the Requirement for Court-ordered Mental Examination

L.D. 1986 An Act to Allow the State to Attach and Hold in Escrow Funds From Legal Settlements and Awards for the Purpose of Paying Child Support Obligations

L.D. 1994 An Act Concerning Passamaquoddy Land in Grand Lake Stream Plantation

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

Sincerely,

S/Sen. Anne M. Rand S/Rep. Charles C. LaVerdiere
Senate Chair House Chair

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

The Following Communication: S.C. 582

**ONE HUNDRED AND TWENTIETH LEGISLATURE
JOINT STANDING COMMITTEE ON LABOR**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 2034 An Act to Provide Fairness in State Bid Criteria

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

Sincerely,

S/Sen. Betheda G. Edmonds S/Rep. George H. Bunker Jr.
Senate Chair House Chair

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

The Following Communication: S.C. 583

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

February 14, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1937 An Act to Benefit Maine's Economy

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr. S/Rep. William R. Savage
Senate Chair House Chair

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

The Following Communication: S.C. 584

**MAINE STATE LEGISLATURE
COMMISSION TO DEVELOP A PLAN TO IMPLEMENT
THE CLOSURE OF STATE LIQUOR STORES**

February 21, 2002

The Honorable Richard A. Bennett, President
Maine State Senate

The Honorable Michael V. Saxl, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

This letter is to inform you that the Commission to Develop a Plan to Implement the Closure of State Liquor Stores has submitted the attached report including recommended legislation to the Joint Standing Committee on Legal and Veterans' Affairs of the 120th Maine Legislature, pursuant to Public Law 2001, chapter 358. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Beverly C. Daggett, Chair

S/Representative John L. Tuttle, Jr., Chair

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

SENATE PAPERS

Bill "An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study"

S.P. 789 L.D. 2133

Sponsored by Senator EDMONDS of Cumberland.
(GOVERNOR'S BILL)
Cosponsored by Representative BUNKER of Kossuth Township and Senator: TURNER of Cumberland, Representative: TREADWELL of Carmel.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes"
H.P. 1458 L.D. 1955

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

Comes from the House with the Report **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE.**

Report **READ.**

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

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance"
H.P. 70 L.D. 79

H.P. 70 L.D. 79

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-811).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-811).**

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

READ ONCE.

Committee Amendment "B" (H-811) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code"

H.P. 1475 L.D. 1976

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-812).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812).**

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

READ ONCE.

Committee Amendment "A" (H-812) **READ.**

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-812), in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Govern Fees Assessed by the Bureau of General Services that Apply to School Construction Projects"

H.P. 373 L.D. 475

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-814).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814).**

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

READ ONCE.

Committee Amendment "A" (H-814) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Expand Educational Opportunities"

H.P. 414 L.D. 535

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-813).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813).**

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

READ ONCE.

Committee Amendment "A" (H-813) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Provisional Certification for Teachers and Administrators"

H.P. 1517 L.D. 2021

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-815).**

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

READ ONCE.

Committee Amendment "A" (H-815) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine" (EMERGENCY)

H.P. 1500 L.D. 2003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-819).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-819).**

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

READ ONCE.

Committee Amendment "A" (H-819) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data" (EMERGENCY)

H.P. 1568 L.D. 2073

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-818).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818).**

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

READ ONCE.

Committee Amendment "A" (H-818) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate

Ought to Pass

Senator YOUNGBLOOD for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 755 L.D. 2091

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

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

READ ONCE.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senator McALEVEY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements"

S.P. 776 L.D. 2112

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

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

READ ONCE.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass As Amended

Senator RAND for the Committee on **JUDICIARY** on Bill "An Act Relating to the Dissemination of Intelligence and Investigative Information"

S.P. 697 L.D. 1899

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-433).**

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

READ ONCE.

Committee Amendment "A" (S-433) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks"

S.P. 686 L.D. 1888

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

Signed:

Senators:

SHOREY of Washington
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
DUPREY of Hampden
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk
MICHAUD of Fort Kent

The Minority of the same Committee on the same subject reported that the same **Ought To Pass.**

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representative:
RICHARDSON of Brunswick

Reports **READ**.

On motion by Senator **YOUNGBLOOD** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Certain Educational Requirements for Licensed Social Workers"
S.P. 709 L.D. 1911

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-435)**.

Signed:

Senators:
SHOREY of Washington
YOUNGBLOOD of Penobscot
BROMLEY of Cumberland

Representatives:
THOMAS of Orono
RICHARDSON of Brunswick
BRYANT of Dixfield
DORR of Camden
MICHAUD of Fort Kent
HATCH of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:
MORRISON of Baileyville
DUPREY of Hampden
CLOUGH of Scarborough
MURPHY of Kennebunk

Reports **READ**.

Senator **YOUNGBLOOD** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases"

S.P. 173 L.D. 601

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

Signed:

Senators:
McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:
POVICH of Ellsworth
O'BRIEN of Lewiston
TOBIN of Dexter
GERZOFKY of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-434)**.

Signed:

Representatives:
QUINT of Portland
PEAVEY of Woolwich
MITCHELL of Vassalboro

Reports **READ**.

On motion by Senator **McALEVEY** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine" (EMERGENCY)

S.P. 501 L.D. 1588

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

Signed:

Senators:
LONGLEY of Waldo
TURNER of Cumberland

Representatives:
O'BRIEN of Augusta
KANE of Saco
FULLER of Manchester
NUTTING of Oakland

LAVERRIERE-BOUCHER of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-438)**.

Signed:

Representatives:

SHIELDS of Auburn
BROOKS of Winterport

Reports **READ**.

Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase the State Share of Health Insurance for Certain Retired Teachers"

S.P. 510 L.D. 1629

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

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township
MATTHEWS of Winslow
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro
MacDOUGALL of North Berwick
DAVIS of Falmouth
CRESSEY of Baldwin
TREADWELL of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-436)**.

Signed:

Representative:

HUTTON of Bowdoinham

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Permit the Town of Atkinson to Deorganize" (EMERGENCY)

S.P. 707 L.D. 1909

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-437)**.

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
KASPRZAK of Newport
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford
CRESSEY of Baldwin

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

Signed:

Representative:

McLAUGHLIN of Cape Elizabeth

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-437) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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 (2/20/02) Assigned matter:

Bill "An Act to Fairly Assess Sales Tax on Vehicles"
H.P. 1620 L.D. 2122

Tabled - February 20, 2002, by Senator **GAGNON** of Kennebec

Pending - **REFERENCE**

(In House, January 2, 2002, **REFERRED** to Committee on **TAXATION**.)

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

The Chair laid before the Senate the following Tabled and Later (2/21/02) Assigned matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act to Make Minor Substantive Changes to the Tax Laws"
S.P. 666 L.D. 1870

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-429)**

Tabled - February 21, 2002 by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, February 21, 2002, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-429) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **O'GARA** of Cumberland,
RECESSED until 11:30 in the morning.

After Recess

Senate called to order by the President.

THE PRESIDENT: The Chair is pleased to announce that the 2002 Maine Kids Count Data Book has been released this morning. Copies are being distributed to you now. Each year, Kids Count compiles the most recent and reliable data to measure how Maine children are faring in the areas of physical and mental health, education, and social and economic opportunity. We, in the Senate, as policy makers are thankful to Kids Count for providing Maine citizens and policy makers with these annual benchmarks of children's well-being. I encourage all of you to consult the report in your deliberations about ways to secure healthy futures for Maine's children. I am pleased to recognize in the rear of the chamber Lynn Davey, Ph.D., the Kids Count Director, and Elinor Goldberg, the Executive Director of the Maine Children's Alliance. Will they please rise and accept the greetings and thanks of the Senate.

ORDERS OF DAY

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

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes"

H.P. 1458 L.D. 1955

Report - **Ought to Pass**

Tabled - February 26, 2002, by Senator **MCALLEVEY** of York

Pending - **ACCEPTANCE OF REPORT**

(In House, January 29, 2002, Report **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE**.)

(In Senate, February 26, 200, Report **READ**.)

On motion by Senator **MCALLEVEY** of York, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE**, in concurrence.

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

Bill "An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code"
H.P. 1475 L.D. 1976

Tabled - February 26, 2002, by Senator **LAFOUNTAIN** of York

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-812)**, in concurrence

(In House, February 21, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.)

(In Senate, February 26, 2002, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-812) **READ**.)

On motion by Senator **LAFOUNTAIN** of York, Senate Amendment "A" (S-439) to Committee Amendment "A" (H-812) **READ**.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President, men and women of the Senate. This amendment is merely technical. It addresses concerns raised by the Revisor's Office relative to the Committee Amendment which was presented earlier today. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-439) to Committee Amendment "A" (H-812) **ADOPTED**.

Committee Amendment "A" (H-812) as Amended by Senate Amendment "A" (S-439) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks"

S.P. 686 L.D. 1888

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought To Pass** (2 members)

Tabled - February 26, 2002, by Senator **YOUNGBLOOD** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 26, 2002, Reports **READ**.)

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BROMLEY:** I just wanted to let my colleagues in the Senate know that the committee's concerns were primarily about having unlicensed people installing oil tanks. Though mechanics are currently licensed, they are not licensed in plumbing, wiring, piping, and the things that are important to hooking up an oil tank appropriately. Also, we currently have people licensed to do this and there are particular and specific types of education that they have to have. This bill does not address that. Many who came before us were quite concerned about the potential of liability if this bill were to go forward. So I urge you to join with me in accepting the Majority Ought Not to Pass. Thank you very much.

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

Senator **YOUNGBLOOD:** Thank you, Mr. President, ladies and gentlemen of the Senate. I would urge you to vote against this motion and ultimately pass this piece of legislation. This was lobbied very heavily by the oil dealers of my area and in many of the other areas of the various representatives of this committee. The manufactured housing group of people in this state has been installing oil tanks for 20 years. There were no reported disasters as a result of doing that. This resulted in a fight between the boards of the manufactured housing group and the oil burner group. It's obvious that the oil burner group had a little bit more moxie. It's not rocket science. The people who testified in favor of this not passing made it sound very difficult, made it sound as though you had to be a little bit of a plumber, a little bit of an electrician, a little bit of a brain scientist in order to install an oil tank. Manufactured homes, mobile homes primarily, come with a furnace all in them. It's only a matter of hooking an oil tank to an existing furnace. If, in fact, the ability of the people who are doing this is not properly regulated, than we ought to be saying to them you need to get a license. You need to take this course. You need to get this certification, whatever that certification might be. We ought not to be telling an industry that has been doing this for 20 years - you've got eyes, you people who run these businesses, no longer know how to do this. This was taking a very hard-handed approach, from my prospective and also from the prospective of the House Chair of this committee, that after 20 years this has not been a disaster. Have there been spills from oil tanks? You bet your life. But I believe that if you were to go back and check those out, they were undoubtedly not caused as a result of somebody who was in the manufactured home installing one of these, it was a result of some Ed Youngblood thinking he could hook his own up, knowing nothing about this, and created a spill. There must be a much better way to approach this than

saying just because you've been doing it all these years doesn't mean you ought to be able to continue. I urge you to vote against this motion and turn this around and do for Maine businesses what we're sent here to do. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. Let me first indicate to you that I'm surprised that this bill went to the committee that it did. It really belonged in the Natural Resources Committee because that is the committee that deals with the issue we have before us. The oil burner group may or may not have more power, I'm not sure, but I do want to emphasize a couple of things. First of all, there have been a number of leaks, a number of breaks. Secondly, you need to know that this is now the number one problem in this state. This is the number one problem in homes. We are presently having leaks caused by improper installation. Whether it be done by an individual or be done by a manufactured housing group, I have no clue. The statistics have not been kept along those lines and I can't verify or deny the information provided to us by the Senator from Penobscot. But I do know this, it is a very serious issue. It is one that should be dealt with by the people who deal with it and not by giving it to another group. I really maintain, in the long run, that if we don't deal with the issue of these tanks, located in your basement and mine for example, we'll have a long-term problem with water, especially those who have their own wells. So I encourage you to accept the majority 11-2 committee report because I think they were moving in the right direction. I just wish it had been unanimous Ought Not to Pass.

Senator **MARTIN** of Aroostook requested a Division.

On further motion by same Senator, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#226)

YEAS: Senators: BROMLEY, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MARTIN, O'GARA, RAND, ROTUNDO, TREAT

NAYS: Senators: CARPENTER, DAVIS, FERGUSON, KNEELAND, LEMONT, MCALEVEY, MICHAUD, MITCHELL, SAVAGE, SAWYER, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: CATHCART, KILKELLY, MILLS, NUTTING, PENDLETON, SHOREY

13 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 6 Senators being absent, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

Senator **MARTIN** of Aroostook moved the Bill and accompanying papers be **COMMITTED** to the Committee on **NATURAL RESOURCES**.

The Chair ordered a Division.

On motion by Senator **MARTIN** of Aroostook, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#227)

YEAS: Senators: BROMLEY, DAGGETT, DOUGLASS, EDMONDS, GAGNON, LAFOUNTAIN, LONGLEY, MARTIN, MICHAUD, O'GARA, RAND, ROTUNDO, SAWYER, TREAT

NAYS: Senators: CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MITCHELL, SAVAGE, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: CATHCART, KILKELLY, MILLS, NUTTING, PENDLETON, SHOREY

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 6 Senators being absent, the motion by Senator **MARTIN** of Aroostook to **COMMIT** the Bill and accompanying papers to the Committee on **NATURAL RESOURCES**, **FAILED**.

The Minority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably"

S.P. 133 L.D. 457

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-412)** (9 members)

Minority - **Ought Not to Pass** (4 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 Senate, February 7, 2002, Reports **READ**.)

The Chair ordered a Division.

On motion by Senator **GOLDTHWAIT** of Hancock, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. Once again, this is a bill that, although it certainly has some merit; with the remaining \$160 million worth of balancing we need to do in this budget, is certainly not my first priority. It is, indeed, unfortunate that the federal government is passing this mandate on to the states. That practice is making it extremely difficult for states and you are going to be hearing more regarding federal changes that are creating significant problems in Maine as we attempt to balance a budget. I sympathize with the industry about this issue in terms of tax exemptions for manufacturing equipment for broadcast TV, but compared to some of the other needs of the state, it does not rise to the test of funding, in my opinion. We have passed a number of mandates onto the local level already this year and have defended those as things we just need to do. Now that the shoe is on the other foot, it becomes obvious that, although the cost of this is something that the state may not have asked for it is going to be using up several hundred thousand dollars worth of our precious revenue in order to cover this exemption. It also adds to the rather piecemeal approach that we have taken to tax exemptions and to taxation policy in general. So I would urge your support for the Minority Ought Not to Pass report.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#228)

YEAS: Senators: **GOLDTHWAIT, TURNER, WOODCOCK**

NAYS: Senators: **BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MITCHELL, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SMALL, TREAT, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT**

ABSENT: Senators: **CATHCART, KILKELLY, MILLS, NUTTING, PENDLETON, SHOREY**

3 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 6 Senators being absent, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-412)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-412) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/14/02) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Natural Resources reporting to the House legislation regarding penalties for environmental violations to be deposited in the General Fund

H.P. 1606

Tabled - February 14, 2002, by Senator **SMALL** of Sagadahoc

Pending - **PASSAGE**, in concurrence

(In House, February 13, 2002, **READ** and **PASSED**.)

(In Senate, February 14, 2002, **READ**.)

PASSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (2/20/02) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Legal and Veterans Affairs reporting to the House legislation establishing a centralized voter registration list

H.P. 1622

Tabled - February 20, 2002, by Senator **WOODCOCK** of Franklin

Pending - **PASSAGE**, in concurrence

(In House, February 20, 2002, **READ** and **PASSED**.)

(In Senate, February 20, 2002, **READ**.)

PASSED, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
Department of Conservation**

The **Department of Conservation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

H.P. 1632 L.D. 2135

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**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 Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1633 L.D. 2136

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 **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

House Paper

**Pursuant to Joint Order
Joint Standing Committee on State and Local Government**

The **Joint Standing Committee on State and Local Government** pursuant to Joint Order 2001, H.P. 1598 asked leave to report that the accompanying Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine

H.P. 1631 L.D. 2134

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** 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 **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Landowner Permits to be Issued for Turkey Hunting" (EMERGENCY)

H.P. 1442 L.D. 1939

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.

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Municipalities to Create Capital Improvement Districts"

H.P. 441 L.D. 562

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-822)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-822)**.

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

READ ONCE.

Committee Amendment "A" (H-822) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act to Clarify the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds

H.P. 1419 L.D. 1863
(C "A" H-806)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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 Enable the State to Enter into an Agreement with Other States to Simplify and Modernize Sales and Use Tax Administration

S.P. 668 L.D. 1872

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security
H.P. 1428 L.D. 1925
(S "A" S-423)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Measure

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

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Pursuant to Constitution
Public Land**

Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement
H.P. 1455 L.D. 1952
(C "A" H-804)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 28 Senators having voted in the affirmative and no Senators having voted in the negative, and 28 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.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Amend the Loan Broker Law
H.P. 1396 L.D. 1835
(C "A" H-789)

An Act Regarding Fire Inspections for Foster Homes
H.P. 1409 L.D. 1847
(S "A" S-427)

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

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

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs
S.P. 714 L.D. 1916

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

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Modify the Time of Constituent Service Allowance Payments
H.P. 1444 L.D. 1941
(C "A" H-802)

S.P. 673 L.D. 1876
(C "A" S-414)

An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee
H.P. 1456 L.D. 1953
(C "A" H-797)

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

An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities
H.P. 1464 L.D. 1961
(C "A" H-796)

Resolve, to Develop a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy
H.P. 1488 L.D. 1991
(C "A" H-801)

An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules
H.P. 1476 L.D. 1977

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil
H.P. 1477 L.D. 1978
(C "A" H-807)

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

An Act to Restructure the Advisory Council on Tax-deferred Arrangements
H.P. 1508 L.D. 2011
(C "A" H-800)

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

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

Emergency Measure

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)

An Act to Modernize the Procurement Practices at the Department of Transportation
H.P. 1483 L.D. 1984
(C "A" H-798)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

On motion by Senator **SAVAGE** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

Emergency Measure

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

ENACTORS

An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project
H.P. 1407 L.D. 1845
(C "A" H-772; H "A" H-810)

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Resolves

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

Resolve, to Direct the Department of Transportation to Submit Proposed Legislation Permitting Limited Application of Canadian Highway Weight Standards
H.P. 400 L.D. 521
(C "A" H-808)

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance"

H.P. 70 L.D. 79
(C "B" H-811)

Bill "An Act to Govern Fees Assessed by the Bureau of General Services that Apply to School Construction Projects"

H.P. 373 L.D. 475
(C "A" H-814)

Bill "An Act to Expand Educational Opportunities"

H.P. 414 L.D. 535
(C "A" H-813)

Bill "An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine" (EMERGENCY)

H.P. 1500 L.D. 2003
(C "A" H-819)

Bill "An Act Regarding Provisional Certification for Teachers and Administrators"

H.P. 1517 L.D. 2021
(C "A" H-815)

Bill "An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data" (EMERGENCY)

H.P. 1568 L.D. 2073
(C "A" H-818)

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

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

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

SECOND READERS

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

Senate

Bill "An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 755 L.D. 2091

Bill "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements"

S.P. 776 L.D. 2112

READ A SECOND and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Make Minor Substantive Changes to the Tax Laws"

S.P. 666 L.D. 1870
(C "A" S-429)

Bill "An Act Relating to the Dissemination of Intelligence and Investigative Information"

S.P. 697 L.D. 1899
(C "A" S-433)

Bill "An Act to Permit the Town of Atkinson to Deorganize"
(EMERGENCY)

S.P. 707 L.D. 1909
(C "A" S-437)

READ A SECOND and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Amend the Integrated Pest Management Laws

S.P. 716 L.D. 1918
(C "A" S-413)

An Act to Allow Approval of Internet-based Alcohol Server Education Courses

S.P. 717 L.D. 1919

An Act Concerning the State Board of Funeral Service

H.P. 1438 L.D. 1935
(C "A" H-788)

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

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Amend the Election Laws

H.P. 1519 L.D. 2023
(S "A" S-422 to C "A" H-776)

An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws

H.P. 1550 L.D. 2053
(C "A" H-793)

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Certain Educational Requirements for Licensed Social Workers"
S.P. 709 L.D. 1911

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-435)** (9 members)

Minority - **Ought To Pass** (4 members)

Tabled - February 26, 2002, by Senator **YOUNGBLOOD** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, February 26, 2002, Reports **READ**.)

On motion by Senator **YOUNGBLOOD** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-435) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate on the Record.

Senator **LONGLEY**: Thank you, Mr. President. I ask the Senate that when we adjourn today, we do so in honor of a pillar of the Maine community, Mamma Baldacci. Mrs. Baldacci had a heart attack yesterday and she died during the night. So when we adjourn, could we do so in her honor? She was the mother of 8. Thank you very much.

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

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Act

An Act to Improve the Juvenile Drug Court Program
S.P. 658 L.D. 1850

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

On motion by Senator **LONGLEY** of Waldo, **ADJOURNED**, to Wednesday, February 27, 2002, at 10:00 in the morning, in memory of and lasting tribute to Rosemary Baldacci of Bangor.