

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

In Senate Chamber
Monday
March 4, 2002

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

Prayer by Chaplain Scott Dow, Augusta Mental Health Institute in Augusta.

CHAPLAIN DOW: Great and wondrous God, it is with gratitude that we meet with one another in Your every present grace. We are thankful for the challenges we have known during this session, for they have made us more clear and resolute in our purposes. We are thankful for all we've been able to accomplish during this session, for it helps us feel content with our lives. We are thankful for each other, for those who have agreed and shown us support and for those who have disagreed with us and helped us clarify what is most important in our work. We are thankful for our constituents and for the privilege of serving them and the great State of Maine. Hear and answer our prayer that we will be compassionate and wise as we continue our work. Help us to recognize our duty to exercise our power for the powerless, to give voice to the voiceless, to provide means of care for the hungry, for the homeless, for those with illnesses of mind and body, for the unemployed, for children, for elderly, for citizens with diverse needs in our state who are unable to provide for themselves. Help us be aware of Your presence in our chamber, in our ceremonies, in our deliberations, in our decision-making, and of Your presence in the innermost recesses of our lives. May all we say and all we do bring glory and honor and praise to You, oh God, our God. Amen.

Pledge of Allegiance led by Senator Kenneth T. Gagnon of Kennebec County.

Doctor of the day, Jacob Gerritsen, M.D. of Camden.

Reading of the Journal of Thursday, February 28, 2002.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Resolve, Establishing the Commission to Examine the Maine Correctional Institute (EMERGENCY)
H.P. 993 L.D. 1330

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-832)** (6 members)

In House, February 26, 2002, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-832)**.

In Senate, February 27, 2002, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **MCALEVEY** of York, the Senate **ADHERED**.

COMMUNICATIONS

The Following Communication: S.P. 796

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 1, 2002

Hon. Betty Lou Mitchell
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Hon. Shirley K. Richard
House Chair, Joint Standing Committee on
Education and Cultural Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Judith W. Andrucki of Lewiston and Gregory G. Cyr of Portage for reappointments and Lyndel J. Wishcamper of Freeport for appointment as members of the University of Maine, Board of Trustees.

Pursuant to P & SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Facilitate Water Well Drilling if Necessitated by Current Conditions" (EMERGENCY) S.P. 795 L.D. 2150

Sponsored by Senator NUTTING of Androscoggin. (GOVERNOR'S BILL)
Cosponsored by Representative COLWELL of Gardiner and Senator WOODCOCK of Franklin, Representatives: BERRY of Belmont, BERRY of Livermore, BRUNO of Raymond, CRABTREE of Hope, DUPLESSIE of Westbrook, McKEE of Wayne, SCHNEIDER of Durham.

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

Sent for concurrence.

Bill "An Act Providing for the Supply of Water to the City of Brewer" S.P. 794 L.D. 2147

Sponsored by Senator YOUNGBLOOD of Penobscot. Cosponsored by Representative LEDWIN of Holden and Senators: FERGUSON of Oxford, PENDLETON of Cumberland, Representative: FISHER of Brewer.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning Student Threats Against School Personnel" H.P. 1474 L.D. 1975

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

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:
RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
ESTES of Kittery
STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-820)**.

Signed:

Senator:
NUTTING of Androscoggin

Representative:
CUMMINGS of Portland

Comes from the House with the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Reports **READ**.

Senator **MITCHELL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-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 **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines" S.P. 664 L.D. 1855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-446)**.

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

READ ONCE.

Committee Amendment "A" (S-446) **READ**.

On motion by Senator **KNEELAND** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-446).

Senate at Ease.

Senate called to order by the President.

Senator **BROMLEY** 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.

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **FERGUSON** of Oxford 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.

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

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

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

On motion by President Pro Tem **MICHAUD** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning Student Threats Against School Personnel"

H.P. 1474 L.D. 1975

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-820)** (2 members)

Tabled - March 4, 2002, by Senator **MITCHELL** of Penobscot

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

(In House, February 28, 2002, Report **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

(In Senate, March 4, 2002, Reports **READ**.)

Senator **MITCHELL** of Penobscot requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

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

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

Bill "An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines"

S.P. 664 L.D. 1855

Tabled - March 4, 2002, by Senator **KNEELAND** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-446)**

(In Senate, March 4, 2002, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-446) **READ**.)

Committee Amendment "A" (S-446) **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/27/02) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act Regarding Cigarette Tax Stamps" (EMERGENCY)
S.P. 692 L.D. 1894

Majority - **Ought Not to Pass** (6 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-442)** (5 members)

Tabled - February 27, 2002, by Senator **SMALL** of Sagadahoc

Pending - motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

(In Senate, February 27, 2002, Reports **READ**.)

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

Senator **TURNER:** Thank you, Mr. President. I would ask, before we vote, if the good Senator from Kennebec, Senator Gagnon, who chairs the Taxation Committee, could comment on this bill and help clarify some misunderstanding.

THE PRESIDENT: The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Mr. President. I would be pleased to give my perspective on this bill. Last session, when we increased the cigarette tax, traditionally there had been a 2.5% discount afforded the distributors of cigarettes on the tax stamps. That was decreased proportionally so that the distributors would receive the same amount of dollars but would have a decrease in the percentage since the cigarette tax was increasing. Consequently, that percentage went from 2.5% to 2.16% on July 1, 2001. It is scheduled to go to 2.03% this coming July when there is another increase in the cigarette tax scheduled. The minority report would continue with the 2.16%. In other words, allow the July 1, 2001 decrease to stand but it would not decrease the percentage to the 2.03%. One primary reason, for my voting with the minority, is that, I think, these distributors, there are 6 or 8 across the state, there is reason, administratively, to protect our points of taxation and currently that is the 6 or 8 distributors in the State of Maine. That was my primary reason for going on the minority report, to protect the integrity we have in the administration and enforcement of the tax policy in the State of Maine.

At the request of President **BENNETT** of Oxford, Reports **READ**.

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

Senator **TURNER:** Thank you, Mr. President. A further question to anyone who wishes to answer. It is my understanding that the suggestion in the minority report is intended to reflect the additional float that the distributors have to front in order to keep the cost of them neutral. That's my understanding and could I have a response to that question from anyone who might care to answer?

THE PRESIDENT: The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may wish to answer.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Aroostook, Senator **MARTIN**, and the Senator from York, Senator **LAFOUNTAIN**, and further excused the same Senators from today's Roll Call votes.

ROLL CALL (#232)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, EDMONDS, GAGNON, GOLDTHWAIT, KNEELAND, LONGLEY, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, ROTUNDO, TREAT

NAYS: Senators: CARPENTER, DAVIS, DOUGLASS, FERGUSON, KILKELLY, LEMONT, MCALEVEY, PENDLETON, RAND, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

EXCUSED: Senators: LAFOUNTAIN, MARTIN

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Concerning the Payment of Child Support"
H.P. 1202 L.D. 1624

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-830)** (4 members)

Tabled - February 28, 2002, by Senator **MCALLEVEY** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, February 27, 2002, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 28, 2002, Reports **READ**.)

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

Senator **RAND:** Thank you, Mr. President, men and women of the Senate. I would like to ask you to please reject the Majority Ought Not to Pass report so that we can accept the Minority Ought to Pass as Amended report. The bill simply states that the state and all political subdivisions of the state, when acting in the capacity of an employer, and employers who contract with the state for services worth more than \$10,000 shall report the hiring or rehiring of any person as an independent contractor to the department in the same manner as the hiring of an employee is reported. In other words, this is an attempt to get the earnings reported of independent contractors, an area where the Department of Human Services doesn't have an adequate handle yet, in order to collect legitimately owed child support payments. One of the ways that some people, who wish to get out of paying their child support, can do that is to be employed as an independent contractor. Therefore, the employer does not have to report the earnings of that particular employee. This bill would require that the governmental entities who employ people, independent contractors, and pay them \$10,000 or more, so this isn't the \$25 to have somebody snowplow the parking lot, this is the someone who services are worth more than \$10,000, report those earnings to the Department of Human Services in an attempt to close that loophole that exists for some people who wish to have earnings and not have them reported so that they can get out of paying their child support. It is a small, but probably very meaningful, step in the right direction as far as making sure that people who bring children into the world do provide for them. So I would ask you to please reject the Majority Ought Not to Pass report so that we can go on and accept the Minority Ought to Pass as Amended report. Thank you.

At the request of Senator **FERGUSON** of Oxford, Reports **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President, ladies and gentlemen of the Senate. The good Senator from Cumberland, Senator Rand, did lay the argument out fairly well. This involves contractual services and I will read from the bill; 'the contracting for services, other than casual labor, in this state with an individual in accordance with the rules adopted by the Commissioner,' that's the Commissioner of Human Services, 'when reimbursed for such services anticipated to exceed \$2,500.' The Department came in and spoke to the committee and there is going to be a lot of administrative costs associated with this.

They did oppose the bill. The Department is doing a good job right now. Most people who owe child support are paying. We use the licensing agencies of the state to enforce this and other things. To squeeze out that very, very little portion that this bill would address, the majority of the committee, on a bi-partisan manner, voted Ought Not to Pass. There is a second section in the bill to increase the assistance levels. This would increase the Temporary Aide To Needy Families, over a period of time, to the average New England level. I would submit to you that when our per capita wages meet the New England average, I certainly would be willing and adopt that. So I would urge the members of the body to accept the pending motion and vote for that. Thank you very much.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, I rise to urge you to vote against the pending motion for a few simple reasons. The children of Maine, many of them, live in poverty. Why is that? Because too many live in households that are divided, that is the result of divorce. Too many have a parent who is making money, who is not providing that support. When we come here, we come to make public policy. It is true that this bill may cause a little extra paperwork for the Department of Human Services. But it could also provide that much needed pair of sneakers, that extra food on the table, for the children of this state. I argue to you that if you weigh the pros and the cons of this measure, the difficulty of enforcing it versus the benefit that could be received if we pass it, you will surely decide that this measure is worth passing and that it is worth voting against the pending motion. We are here to make public policy and that is not always easy, but that is the right thing to do.

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

Senator **EDMONDS:** Thank you, Mr. President, men and women of the Senate. I just wanted to make clear to everyone that in rejecting the pending motion and allowing ourselves to vote for the amended motion, it actually will raise the level from \$2,500 to \$10,000, making that a far less onerous, perhaps, burden on someone and still get the benefit for family members who are waiting at home, needing the support of the other parent. Thank you.

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

Senator **MCALLEVEY:** Thank you, Mr. President, men and women of the Senate. As a member of the Judiciary Committee, I found this bill quite interesting. The issue of non-child support payment is a very serious issue. We should discuss it. As a former responsible parent of a minor child, I met my child support requirements for 16 years. It was my obligation, it was my duty, and I paid far beyond what the courts had ordered as a result of the divorce decree. That is the case in many instances. However, we do have some deadbeat dads. But this is not the way to go after them. If they are circumnavigating the system by declaring themselves as subcontractors to keep from having their wages garnished or reported, the Department still has methods to collect these monies. It's called taking the money out of their

state income tax returns or federal tax returns. The other issue is if you want to be serious about this, we already have a very strong tool to force these deadbeat dads or moms or whatever they are to make these payments. It's called criminal non-support. The Department goes to the court and gets a warrant and goes to the individual and says, 'we're going to lock you up in jail until you pay this.' That's a very strong tool. So until the Departments exhausts all its existing tools to recoup these monies, I would not look towards broadening this and I would concur with my good colleague, the Senator from Oxford, Senator Ferguson, and ask you to support the pending motion. Thank you.

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

Senator **TURNER:** Thank you, Mr. President. I'm going to ask that the chamber vote in favor of the pending motion. I would like to make just a couple of points to you. First of all, Maine is a national leader with respect to the collection of child support payments. We have done an outstanding job with this and I think, from a public policy standpoint, our record is second to none with respect to the work we do in this area. That's point one. I think also you need to recognize, as has been stated earlier; the Department is opposed to the bill. I once contracted an attorney who told me, it makes no sense to jump over quarters to pick up nickels. I think what the Department has said to you is that at the margin you would be spending more money in order to collect this money and the net implication to us would be a reduction in money available to us. We'd be collecting some and spending more to collect it. So I think, as a practical matter, I believe we need to draw upon the collection skills of a department that is nationally recognized for doing an excellent job in this area and I would ask that you support the pending motion. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate, I too rise to support the Ought Not to Pass report and would just like to say that I had the opportunity, while others were speaking, to read both the bill and the amendment. The amendment strikes out the entire bill. The Committee Amendment that lays before you does only one thing as I see it, it says that the state, when it employs as a contractor anyone who provides services worth more than \$1,000, not \$2,500, not \$10,000, anymore than \$1,000, at least that's what my copy of the amendment says, should have to report to the Department of Human Services the hiring of that contractor. My belief is that these contracts are public information at the present time. If the Department of Human Services wanted to check with the Bureau of General Services and other state agencies who regularly contract, they can come over once in a while and run through the list of contracting people and bounce it against the list of parents who aren't paying child support and do it on an occasional basis if they so chose. So I don't think there is anything preventing the Department from gaining access to this information if they wish to use it now. I suspect they probably do from time to time. But to impose on agencies of government, every agency of government, an obligation to make a separate report to the Department of Human Services every time they enter into a contract for \$1,000 or more does seem to me to be a burden on state government that is beyond what the occasion calls for or what is necessary.

It's already quite a burden on private employers to have to report every single new hire in this state. It's something that is sometimes forgotten when people do hire. Small businesses have trouble keeping up with all these regulations. We passed that bill several years ago because there really wasn't any other way and the case was made that there was no other way of getting that information to the Department. So we imposed that burden on small businesses. But I don't see the point of imposing this same burden on the state when it becomes a contractual employer because the information is public, it's available. The Department can go get the information if they want it or need it. I don't think that the added burden to state government is worth the benefit that we might gain from it. Thank you.

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

Senator **RAND:** Thank you, Mr. President, men and women of the Senate. I thank the good Senator from Somerset, Senator Mills, for bringing that up. I would like to pose a question through the chair and then make some comments. I would like to say that there is a mistake in this amendment because the amendment as proposed by the committee is for \$10,000. In order to get this straightened out, I would request that someone table this bill.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **MCALLEVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Extend Unemployment Benefits by 13 Weeks" (EMERGENCY)

H.P. 1645 L.D. 2151

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

REFERRED to the Committee on **LABOR** and ordered printed, 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 Study Order
Committee to Review the Child Protective System**

The **Committee to Review the Child Protective System** pursuant to Joint Order 2001, H.P. 1385 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Committee to Review the Child Protective System"

H.P. 1644 L.D. 2149

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

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

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

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Maine Fire Protection Services Commission**

The **Maine Fire Protection Services Commission** pursuant to the Maine Revised Statutes, Title 5, section 3371 asked leave to report that the accompanying Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare

H.P. 1643 L.D. 2148

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

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide a New Opportunity in the Moose Lottery"

H.P. 420 L.D. 541

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

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
TRAHAN of Waldoboro
CHICK of Lebanon
CLARK of Millinocket
USHER of Westbrook
PERKINS of Penobscot
TRACY of Rome
McGLOCKLIN of Embden

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

Signed:

Representatives:

HONEY of Boothbay
BRYANT of Dixfield

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat"

H.P. 1467 L.D. 1968

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-844)**.

Signed:

Access to Family and Medical Leave for Maine Families
(EMERGENCY)

H.P. 1556 L.D. 2058

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-847).**

Representatives:

DUNLAP of Old Town
TRAHAN of Waldoboro
CHICK of Lebanon
HONEY of Boothbay
CLARK of Millinocket
USHER of Westbrook
TRACY of Rome
McGLOCKLIN of Embden
BRYANT of Dixfield

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "B" (H-845).**

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

Signed:

Representative:

PERKINS of Penobscot

Signed:

Representative:

CRESSEY of Baldwin

Comes from the House with the Majority **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-844)** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-844).**

Comes from the House with 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-847).**

Reports **READ.**

Reports **READ.**

On motion by Senator **CARPENTER** of York, the Majority
OUGHT TO PASS AS AMENDED Report **ACCEPTED**, in
concurrence.

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

READ ONCE.

READ ONCE.

Committee Amendment "A" (H-844) **READ** and **ADOPTED**, in
concurrence.

Committee Amendment "A" (H-847) **READ** and **ADOPTED**, in
concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY.**

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

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

REPORTS OF COMMITTEES

REPORTS OF COMMITTEES

House

House

Divided Report

The Majority of the Committee on **LABOR** on Resolve, to
Continue the Study of the Benefits and Costs for Increasing

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Property Tax Relief in Cumberland County"

H.P. 1445 L.D. 1942

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

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-849)**.

Signed:

Representatives:

McDONOUGH of Portland
McLAUGHLIN of Cape Elizabeth

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LABOR** on Bill "An Act to Provide Retirement Equity for Capital Security Officers"

H.P. 1524 L.D. 2028

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-846)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846)**.

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

READ ONCE.

Committee Amendment "A" (H-846) **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 Certain Statutes Regarding Beano and Games of Chance"

H.P. 1512 L.D. 2015

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-848)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-848)**.

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

READ ONCE.

Committee Amendment "A" (H-848) **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:

Constitutional Amendment

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
(H "A" H-842 to C "A" S-419)

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

Emergency Measure

An Act to Amend Maine's Wild Turkey Hunting Season
S.P. 721 L.D. 1923
(C "A" S-430)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, 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:

Emergency Measure

An Act to Allow Landowner Permits to be Issued for Turkey Hunting
H.P. 1442 L.D. 1939

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **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

An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine
H.P. 1500 L.D. 2003
(C "A" H-819)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds

of the entire elected Membership of the Senate, was **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:

Acts

An Act to Improve Maine's Jail Diversion Programs
H.P. 191 L.D. 202
(C "A" H-829)

An Act to Hold the Bureau of General Services Accountable for Services Provided for School Construction Projects
H.P. 373 L.D. 475
(C "A" H-814)

An Act to Allow Municipalities to Create Capital Improvement Districts
H.P. 441 L.D. 562
(C "A" H-822)

An Act to Strengthen the Habitual Offender Law
S.P. 653 L.D. 1832
(C "A" S-409; H "B" H-816)

An Act to Reduce Identity Theft by Regulating Electronically Printed Credit Card and Debit Card Receipts
S.P. 678 L.D. 1880
(C "A" S-426)

An Act to Amend the Civil Service Law with Respect to Veterans' Preference
S.P. 713 L.D. 1915

An Act Regarding Provisional Certification for Teachers and Administrators
H.P. 1517 L.D. 2021
(C "A" H-815)

An Act to Abolish the Educational Leave Advisory Board
H.P. 1616 L.D. 2115

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

An Act to Permit the Town of Atkinson to Deorganize
S.P. 707 L.D. 1909
(C "A" S-437)

On motion by Senator **DAVIS** of Piscataquis, **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:

Resolve

Resolve, to Examine the Doctorate-level Educational Opportunities Available Through the University of Maine System
H.P. 414 L.D. 535
(C "A" H-813)

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:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative"
H.P. 1642 L.D. 2145

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

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

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

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

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Tuesday, March 5, 2002, at 10:00 in the morning.