

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
State of Maine

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

In Senate Chamber
Wednesday
February 26, 2003

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

Prayer by Reverend Wilfried Canfijn, Cornerstone Assembly of
God in Windham.

REVEREND CANFIJN: I want to read Psalm 33 out of the Bible
in print. The Psalm says this:

'Rejoice in the Lord, oh you righteous, for praise for the
upright is beautiful. Praise the Lord with the harp. Make melody
to Him with an instrument of ten strings. Sing to Him a new song.
Play skillfully with a shout of joy. For the word of the Lord is right
and all His work is done in truth.

He loves righteousness and justice and the Earth is full of the
goodness of the Lord. But by the word of the Lord the heavens
were made and all the hosts of them by the breath of His mouth.
He gathers the waters of the sea together as a heap. He lays up
the deep and the storehouses.

Let all the Earth fear the Lord. Let all the inhabitants of the
world stand in awe of Him, for He spoke and it was done. He
commanded and it has stood fast. The Lord brings the counsel of
the nations to nothing. He makes the plans of the people have no
effect. The counsel of the Lord stands forever, the plans of His
heart to all generations.

Blessed is the nation whose God is the Lord. The people He
has chosen as his own people. The Lord looks from heaven and
sees all the sons of men. From the place of His dwelling He looks
on all the inhabitants of the Earth. He fashions their hearts
individually. He considers all their works.

No king is saved by the multitude of an army. A mighty man
is not delivered by great strength. A horse is a vain hope for
safety. Neither shall it deliver any by its' great strength. Behold
the eye of the Lord is on those who fear Him and those who hope
in His mercy to deliver their souls from death and to keep them
alive in times of famine.

Our soul waits for the Lord. He is our health and our shield,
for our hearts shall rejoice in Him because we have trusted in His
holy name. Let your mercy, oh Lord, be upon us just as we hope
in you.'

Let us bow our heads in prayer. Lord, I pray this morning,
over these legislators and governmental leaders, and over these
men and women that represent the interests and need of our
state. Lord, I would pray for godly wisdom and for much integrity
regarding the decision making process that they will go through
today, for a clear and pure conscience, and Lord for life to be
respected, and Lord for Your favor and Your blessing to be in this
place this day. Father, I ask this in the name of Jesus. Amen.

Reading of the Journal of Tuesday, February 25, 2003.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **TREAT** of Kennebec, the following Joint Order:
S.P. 351

ORDERED, the House concurring, that when the House and
Senate adjourn, they do so until Tuesday, March 4, 2003, at
10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require a Vote of 2/3 of Each House of the Legislature
To Enact or Increase a Tax

S.P. 280 L.D. 801

In Senate, February 20, 2003, on motion by Senator **ROTUNDO**
of Androscoggin, **REFERRED** to the Committee on **STATE AND
LOCAL GOVERNMENT** and ordered printed.

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

On motion by Senator **TREAT** of Kennebec, the Senate
ADHERED.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Provide that Gas Purchased for Use in a
Generator Be Taxed for Commercial Use"

S.P. 264 L.D. 785

In Senate, February 20, 2003, on motion by Senator **STANLEY** of
Penobscot, **REFERRED** to the Committee on **TAXATION** and
ordered printed.

Comes from the House, **REFERRED** to the Committee on
TRANSPORTATION and ordered printed, in **NON-
CONCURRENCE**.

On motion by Senator **STANLEY** of Penobscot, the Senate
RECEDED and CONCURRED.

House Papers

Bill "An Act Concerning Recovery of Expenses under the General Assistance Laws"

H.P. 643 L.D. 866

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

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

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

Bill "An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers"

H.P. 600 L.D. 823

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

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

Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families (EMERGENCY)

H.P. 722 L.D. 965

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

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

**Pursuant to Statutes
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission"

H.P. 741 L.D. 1020

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

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Orders

The following Joint Order:

H.P. 742

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out, to the House, legislation regarding reporting by the Maine Historic Preservation Commission to the Legislature.

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

READ.

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

The following Joint Study Order:

H.P. 724

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Agriculture, Conservation and Forestry shall conduct a study of new payment models for the logging industry. The committee shall conduct the study during authorized interim committee meetings, except that the committee may hold one additional meeting to conclude its work.

2. The committee shall:

A. Examine how logging contractors and their employees are paid;

B. Explore new models of payment;

C. Examine public policies for forests that promote better forestry practices or protect wildlife habitat and how the policies affect landowners;

D. Examine whether there are forest policies that give incentives for mismanagement or disincentives for improved management;

E. Examine state labor and educational policies that govern the creation of apprenticeship programs;

F. Identify the opportunities for and barriers to creating logger apprenticeship programs; and

G. Consult with interested parties affected by the forest industry.

3. The committee members are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses for attendance at the additional meeting to conclude its work.

4. The committee shall submit a report, together with any necessary implementing legislation, to the Legislature no later than December 31, 2003. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to introduce a bill related to the report to the Second Regular Session of the 121st Legislature.

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

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

The following Joint Study Order:

H.P. 725

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Insurance and Financial Services shall conduct a study to examine the issue of insurance mandates for the purpose of reducing health insurance premiums and the cost to the individual consumer. The committee shall conduct the study during authorized interim committee meetings, except that the committee may hold one additional meeting to conclude its work;

2. The Joint Standing Committee on Insurance and Financial Services shall use as a starting point a recent legislative study report on mandates, and the examinations must focus on allowing consumer choice in choosing the type of health insurance needed and affordable; and

3. The Joint Standing Committee on Insurance and Financial Services shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 121st Legislature.

Comes from the House, **READ** and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

READ and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in concurrence.

The following Joint Study Order:

H.P. 726

ORDERED, the Senate concurring, that the Task Force to Study the Functional Efficiencies in the Legislative Process is established as follows.

1. Task Force to Study the Functional Efficiencies in the Legislative Process established. The Task Force to Study the Functional Efficiencies in the Legislative Process, referred to in this order as "the task force," is established.

2. Membership. The task force consists of 10 members appointed jointly by the President of the Senate and the Speaker of the House. When making appointments, the President of the Senate and the Speaker of the House shall appoint legislators from all parties.

3. Task force chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than 60 days following passage of this order.

5. Duties. The task force shall hold its meetings at various locations in the State, to be determined by the chairs. The task force shall gather information and request necessary data from public and private entities in order to:

A. Assess and identify the inefficiencies and redundancies in the legislative process; and

B. Determine what solutions and changes need to be made to correct the inefficiencies in the legislative process.

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

7. Compensation. Members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force.

8. Report. The task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Legislative Council by November 6, 2003.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Budget. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs

and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **REFERRED** to the **JOINT SELECT COMMITTEE ON JOINT RULES**.

READ.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE**.

SENATE PAPERS

Bill "An Act To Increase Access to Prescription Drugs for Low-income Elderly and Disabled People"

S.P. 355 L.D. 1024

Sponsored by Senator **TREAT** of Kennebec.
Cosponsored by Senators: **BRENNAN** of Cumberland, **DOUGLASS** of Androscoggin, **MARTIN** of Aroostook, **STRIMLING** of Cumberland, Representative: **SUSLOVIC** of Portland.

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

Sent down for concurrence.

Bill "An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State"

S.P. 356 L.D. 1025

Sponsored by Senator **HALL** of Lincoln.
Cosponsored by Representative: **KOFFMAN** of Bar Harbor.

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

Sent down for concurrence.

Bill "An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision"

S.P. 354 L.D. 1023

Sponsored by Senator **LaFOUNTAIN** of York.
Cosponsored by Representative **SULLIVAN** of Biddeford and Senators: **BROMLEY** of Cumberland, **CATHCART** of Penobscot, **DOUGLASS** of Androscoggin, **HATCH** of Somerset, **PENDLETON** of Cumberland, Representative: **LAVERRIERE-BOUCHER** of Biddeford.

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

Sent down for concurrence.

Bill "An Act To Provide for the Expedited Eviction of Violent Tenants"

S.P. 353 L.D. 1022

Sponsored by Senator **GAGNON** of Kennebec.
Cosponsored by Representative **CLARK** of Millinocket and Senators: **CATHCART** of Penobscot, President **DAGGETT** of Kennebec, **WOODCOCK** of Franklin.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator **SAWYER** of Penobscot (Cosponsored by Representative **LEDWIN** of Holden), the following Joint Resolution:

S.P. 352

JOINT RESOLUTION RECOGNIZING THE 150TH ANNIVERSARY OF THE TOWN OF VEAZIE

WHEREAS, New England's small towns and villages are recognized across our nation as the model for our country's democratic institutions and have deservedly come to serve as the preeminent symbol of the virtues of direct citizen involvement in government, thrift, simple beauty and quiet and deep-rooted values; and

WHEREAS, small towns are the backbone of Maine and the Town of Veazie typifies the valued attributes of the small communities of Maine; and

WHEREAS, the area that now comprises Veazie was once the 7th ward of the City of Bangor and was purchased by a wealthy general named Samuel Veazie and was incorporated by the Maine Legislature on March 6, 1853; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the 150th Anniversary of the Town of Veazie, to commend the inhabitants and officials of this town for the success that they have achieved together for one-and-a-half centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 150 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the

municipal officials of this proud community in honor of the occasion.

READ and ADOPTED.

Ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal the Mandate to Perambulate the Municipal Boundary Lines when there is No Boundary Dispute"

H.P. 74 L.D. 66

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.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (2/11/03) Assigned matter:

Bill "An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund"

S.P. 205 L.D. 596

Tabled - February 11, 2003, by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

(Committee on **NATURAL RESOURCES** suggested and ordered printed.)

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/14/03) Assigned matter:

Bill "An Act To Clarify Ownership Rights to Repossessed Vehicles"

S.P. 148 L.D. 430

Tabled - February 14, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, February 4, 2003, on motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.)

(In House, February 11, 2003, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in **NON-CONCURRENCE.**)

On motion by Senator **HATCH** of Somerset, the Senate **INSISTED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/18/03) Assigned matter:

Bill "An Act To Require a Juvenile to Pay Restitution after Attaining 18 Years of Age"

S.P. 257 L.D. 762

Tabled - February 18, 2003, by Senator **CATHCART** of Penobscot

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/25/03) Assigned matter:

Bill "An Act Concerning Multiple Item Bond Issues"

H.P. 590 L.D. 813

Tabled - February 25, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, February 20, 2003, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/25/03) Assigned matter:

NOMINATION - of Robert Spear of Nobleboro for appointment as the Commissioner of the Department of Agriculture

Tabled - February 25, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, February 25, 2003, Communication (S.C. 62) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** READ and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#19)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAVIS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK,

YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: DOUGLASS, LAFOUNTAIN, LEMONT

EXCUSED: Senator: DAMON

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert Spear** of Nobleboro for appointment as the Commissioner of the Department of Agriculture was **CONFIRMED**.

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (2/25/03) Assigned matter:

Bill "An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions"

S.P. 315 L.D. 974

Tabled - February 25, 2003, by Senator **LaFOUNTAIN** of York

Pending - **REFERENCE**

(Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.)

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LABOR**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/25/03) Assigned matter:

Bill "An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner"

H.P. 694 L.D. 937

Tabled - February 25, 2003, by Senator **TREAT** of Kennebec

Pending - **REFERENCE**

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

(In House, February 25, 2003, **REFERRED** to the Committee on **TAXATION**.)

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Implement 2 Recommendations of the Commission on Fatherhood Issues Related to Family Case Management Officers and Noncustodial Parent Outreach Programs"

H.P. 765 L.D. 1048

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

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

Bill "An Act To Require the Maine State Housing Authority To Guarantee Security Deposits for Low-income Renters"

H.P. 750 L.D. 1033

Bill "An Act To Require Continuing Education in the Cosmetology, Barbering, Aesthetics and Manicuring Fields"

H.P. 771 L.D. 1054

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

On motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$5,800,000 To Adequately Fund the Applied Technology Development Centers in Order To Increase the Number of Research and Development Jobs and Companies in the State"

H.P. 769 L.D. 1052

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

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

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

Bill "An Act To Broaden the Law Enforcement Authority of University of Maine System Public Safety Officers" (EMERGENCY)

H.P. 743 L.D. 1026

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce the Processing Time for Substitute Teacher Fingerprinting"

H.P. 749 L.D. 1032

Bill "An Act To Clarify Curriculum Requirements for Gifted and Talented High School Students"

H.P. 753 L.D. 1036

Bill "An Act To Protect Schools That Are Completing Health and Safety Improvements from Losing Points as Part of Their Major Capital Project Applications"

H.P. 758 L.D. 1041

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Ensure an Equitable Allocation of Federal Sport Fish Restoration Funding between Saltwater and Freshwater Fisheries Projects"

H.P. 757 L.D. 1040

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Continued Access to Health Insurance for Small Business Employees"

H.P. 760 L.D. 1043

Bill "An Act To Expand the Mission of the Public Advocate"

H.P. 768 L.D. 1051

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

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

Bill "An Act To Protect Reorganized Businesses"

H.P. 752 L.D. 1035

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

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

Bill "An Act To Amend the Laws Governing Private Property on Which a Body Is Buried"

H.P. 746 L.D. 1029

Bill "An Act Concerning Passamaquoddy Indian Territory in Washington County"

H.P. 756 L.D. 1039

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Maine State Retirement System To Study the Windfall Elimination Provision of the Social Security Program
H.P. 755 L.D. 1038

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

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

Bill "An Act Regarding District Attorneys' Staff"

H.P. 754 L.D. 1037

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

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

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

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices

H.P. 744 L.D. 1027

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Expand Waiver of Tuition Payments to All Active Duty Military Personnel Who Are Maine Residents"

H.P. 763 L.D. 1046

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

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

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

House Papers

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Certain Agencies To Track Votes of Board and Commission Members"

H.P. 751 L.D. 1034

Bill "An Act To Require Major Substantive Rules To Govern the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs for Consistency"

H.P. 762 L.D. 1045

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Ensure Communication about Public Complaints against State Employees"

H.P. 764 L.D. 1047

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

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

Bill "An Act To Impose a Fee on Nonresidents Who Participate in Recreational Activities in the State"

H.P. 748 L.D. 1031

Bill "An Act Regarding Taxation inside the Passamaquoddy Indian Territory"

H.P. 761 L.D. 1044

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

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

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

PAPERS FROM THE HOUSE

Bill "An Act To Restrict Use of Auto Dealer Plates"

H.P. 745 L.D. 1028

Bill "An Act To Allow Women Recovering from Childbirth To Be Issued Temporary Handicapped Parking Permits"

H.P. 766 L.D. 1049

Resolve, To Establish the Task Force to Study the Feasibility of Adding an Interchange for Access to the Lakes Region Area (EMERGENCY)

H.P. 767 L.D. 1050

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions"

H.P. 747 L.D. 1030

Bill "An Act To Ensure Proper Funding of the Public Utilities Commission"

H.P. 759 L.D. 1042

Bill "An Act To Enhance Renewable Power"

H.P. 770 L.D. 1053

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Public Notification of Herbicide Applications in the State's Great Ponds"

H.P. 690 L.D. 933

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

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

Bill "An Act To Promote Livable, Affordable Neighborhoods"

H.P. 630 L.D. 853

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

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

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

Bill "An Act To Enhance Professionalism of Private Investigators in this State"

H.P. 735 L.D. 1014

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

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

RESOLUTION, Proposing Amendments to the Constitution of Maine To Require the Appointment of County Sheriffs, Judges and Registers of Probate

H.P. 733 L.D. 1012

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

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

Bill "An Act To Reinstate a Milk Handling Fee" (EMERGENCY)

H.P. 274 L.D. 345

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

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

Off Record Remarks

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 4, 2003, at 10:00 in the morning.