

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE  
FIRST REGULAR SESSION  
2nd Legislative Day  
Thursday, January 4, 2001

The House met according to adjournment and was called to order by the Speaker.

Prayer by Deacon Dean Lachance, St. Paul's Center, Augusta.

National Anthem by Mount Blue Voices, Farmington.

Pledge of Allegiance.

Doctor of the day, Phil Tedrick, D.O., Readfield.

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At this point, pursuant to House Rule 201, the Speaker addressed the House.

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The SPEAKER: Pursuant to House Rule 201, it is my pleasure to address the House.

Ladies and gentlemen of the House. Welcome back and welcome to our new State House. As we begin our work today, I want to recognize the enormous work that has been going on throughout the past summer and fall and the West Wing of this Legislature and over in the State Office Building. Thanks to the great work and inspiration of Speakers Rowe and Mitchell and many of the folks here in this chamber. We have got a beautiful chamber and a beautiful West Wing in order to do our work. It is more than just a beautiful chamber. It is a chamber that fully meets the Americans With Disabilities Act to make sure that those with disabilities have access to our building, the people's building. It is a chamber in which our employees of the State of Maine have a healthy work environment with air quality that meets OSHA standards and other standards and work spaces that meet modern needs and technological needs. We owe former Speakers Rowe and Mitchell a great deal for their hard work.

We are the first Legislature elected in the new millennium. What does that mean for each of us? It means that we have the opportunity to make our mark and to set the tone for this new era in Maine.

The new millennium also gives us a benchmark to examine our past successes and to plan for our future. Are we better off today than we were yesterday or a year ago, a decade ago, a century ago? And we need to qualify this question by further asking ourselves what kind of decisions were made that truly improved the quality of life for all of Maine's citizens and which were short sighted, which didn't make the mark that we desired, which didn't have the public policy affect which we were going after. Only by looking at both our successes and recognizing our mistakes will be able to move forward this session in order to do the people's business.

This will be a challenging session, not only for historical reasons, but for fiduciary reasons as well. As most of you know, we face a more than \$200 million structural gap. The 106 of us who served in the 119<sup>th</sup> Legislature were fortunate enough to be here in an era of good times, of structural surplus. Only 10 years ago, as most of you know, the Legislature faced a \$1 billion structural gap. So our task, while difficult, is not insurmountable. Today we need to look backwards, learn from those lessons and know that while it is not insurmountable that we have a constitutional obligation to the people of the State of Maine to

pass a budget that we feel best reflects the priorities of the people of this great state.

We have 2,344 other bills submitted for our consideration this session. With the exception of the last Legislature, this is more than we historically consider for the 1<sup>st</sup> session of any Legislature. We can take that news any way you want. I am certain of one thing. That news will let us all know that we all have a lot of work to do. I see this as a good omen. It is the inspiration of each of you. Your many good ideas. The will of the thoughts of your constituents as you come to this body and of your desire to see right be done. It does mean we have a lot of work yet to do.

Now you ask yourself, how do I know and understand more than 2,300 bills and decide how those bills will affect my constituents? That is more than 23 bills per legislative day. It is too much for any of us to fully digest and process each of these bills. Well, the answers lie to your left and your right, in front of and behind you. The answers rest with your fellow legislators. These women and men come from all different walks of life. They are teachers and small business owners, doctors and union workers. They represent the very best that Maine has. We all have something to learn from the person in the seat next to us. Collectively we share a wealth of knowledge. Use it. Develop relationships of trust and openness with these people. Be your seatmate a Republican, a Democrat or an Independent; remember we are all here with the same purpose. We are here because we want to make Maine a better place. And, while the road you choose may be different from the person next to you, I believe that your destination is the same. We all have the interest of the people of Maine in our hearts and in our minds.

Just look back to the last Legislature for our accomplishments. We have greater access to health care for our children, a prescription drug program for our elderly, a higher percentage of the state's commitment to local education, funding for 23 school construction and renovation projects and we have provided meaningful tax relief for Maine's retired citizens and retirees. And while the list goes on, that does not mean we can rest on our laurels. We have many areas that we still need to work on, many citizens who have fallen through the cracks and many objectives we have not yet accomplished.

Let me say again and return to a theme, which I entered upon during our last meeting. There are currently 160,000 adults without health insurance in our State. Maine ranks fourth highest in the nation for percentage of uninsured adults. For you financial wizards among the body, those costs aren't just born by those 160,000 people. They are born by each and every other person who is insured in the State of Maine. Those costs get shifted when people don't have access to primary care. They seek alternative treatment, whether it be unpaid from a hospital from an emergency room or a dedicated provider. These costs don't evaporate in the air. Our challenge is to find a better way to make sure that each and every one of these individuals have access to the health care they need and they deserve.

Currently, only 19.2 percent of Maine adults over the age of 25 have bachelor degrees compared with 29.2 percent in New England. The level of education of our work force directly affects not only our citizen's ability to earn a livable wage, but the state's ability to compete economically for jobs requiring a skilled work force. We need to encourage re-training of our dislocated workers. We need to find creative ways to ensure our next generation makes Maine their home. Our challenge is to make higher education affordable and accessible to everyone.

During the last two years we have found funding to renovate many of our crumbling and decaying schools, but we still have a long way to go. We still have hundreds of students who are taught in temporary classrooms. We have not significantly funded school construction and renovation since the 1985 budget cycle when we funded over 100 projects. This compares with 23 funded for the last budget cycle. Our challenge is to do more. To make sure those kids from Raymond and Windham have real classrooms to go into next year.

There are still thousands of women and children in this state who are the victims of domestic and sexual assault every year. While we have made significant progress over the past decade to change people's attitudes about domestic abuse, we still have much to do. We need to do more to ensure that any victim of domestic violence and sexual assault is provided a safe and nurturing environment. Our challenge is to create a society that supports the victims of domestic violence and holds their abusers accountable for their actions.

These are some of the challenges I see before us. Each one of you has identified what you see as your particular challenges and goals for this session. But all of these challenges move us toward one goal, to make Maine a better place to live and work. This is our measure of success. Each time we walk into a committee room for a public hearing or into the House Chamber to cast your vote, we need to remember this benchmark.

Remembering will allow us to navigate through disagreements, will give us that extra bit of energy we need to get through the night, will point us in the right direction when we are lost. We all came here to accomplish the same thing. With hard work and dedication, we will all be able to look back at this year and smile, pleased with the good we have done for the people of Maine. Thank you.

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The Journal of Wednesday, December 6, 2000 was read and approved.

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At this point, the Speaker recognized the Representative from Bangor, Representative BAKER, the Representative from South Portland, Representative MUSE and the Representative from Auburn, Representative SHIELDS and they were added to the quorum call of the First Regular Session of the 120th Legislature.

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**COMMUNICATIONS**

The Following Communication: (H.P. 5)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

TO: Millicent M. MacFarland  
Clerk of the House  
FROM: Michael V. Saxl  
Speaker of the House  
DATE : December 22, 2000  
RE: Committee Appointments  
120th Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees.

**Agriculture, Conservation and Forestry**

Linda Rogers McKee, Chair (D-Wayne)  
Paul Volenik (D-Brooklin)

Susan M. Hawes (D-Standish)  
Sally Landry (D-Patten)  
Jacqueline A. Lundeen (D-Mars Hill)  
Raymond G. Pineau (D-Jay)  
Walter R. Goolley (R-Farmington)\*  
Clifton E. Foster (R-Gray)  
Roderick W. Carr (R-Lincoln)  
Arlan R. Jodrey (R-Bethel)

**Appropriations and Financial Affairs**

Randall L. Berry, Chair (D-Livermore)  
Richard H. Mailhot (D-Lewiston)  
Paul L. Tessier (D-Fairfield)  
Joseph C. Brannigan (D-Portland)  
David M. Etnier (D-Harpswell)  
Sharon Libby Jones (D-Greenville)  
Richard A. Nass (R-Acton)\*  
Tom J. Winsor (R-Norway)  
Irvin G. Belanger (R-Caribou)  
Richard W. Rosen (R-Bucksport)

**Banking and Insurance**

Christopher P. O'Neil, Chair (D-Saco)  
Benjamin F. Dudley (D-Portland)  
Nancy B. Sullivan (D-Biddeford)  
Marilyn E. Canavan (D-Waterville)  
Lisa T. Marraché (D-Waterville)  
William J. Smith (D-Van Buren)  
Arthur F. Mayo III (R-Bath)\*  
Kevin J. Glynn (R-South Portland)  
Philip Cressey, Jr. (R-Baldwin)  
Florence T. Young (R-Limestone)

**Business and Economic Development**

John Richardson, Chair (D-Brunswick)  
Bruce S. Bryant (D-Dixfield)  
Susan Dorr (D-Camden)  
Paul R. Hatch (D-Skowhegan)  
Marc Michaud (D-Fort Kent)  
Jonathan Thomas (D-Orono)  
Harold A. Clough (R-Scarborough)\*  
Thomas W. Murphy, Jr. (R-Kennebunk)  
Brian M. Duprey (R-Hampden)  
John R. Morrison (R-Baileysville)

**Criminal Justice**

Edward J. Povich, Chair (D-Ellsworth)  
Michael W. Quint (D-Portland)  
Charles E. Mitchell (D-Vassalboro)  
Lillian LaFontaine O'Brien (D-Lewiston)  
Patricia A. Blanchette (D-Bangor)  
Stanley J. Gerzofsky (D-Brunswick)  
Judith B. Peavey (R-Woolwich)\*  
Edgar Wheeler (R-Bridgewater)  
James H. Tobin, Jr. (R-Dexter)  
Lois A. Snowe-Mello (R-Poland)

**Education and Cultural Affairs**

Shirley K. Richard, Chair (D-Madison)  
Mabel J. Desmond (D-Mapleton)  
James G. Skoglund (D-St. George)  
Elizabeth Watson (D-Farmingdale)  
Stephen C. Estes (D-Kittery)  
Glenn Cummings (D-Portland)

Vaughn A. Stedman (R-Hartland)\*  
 Mary Black Andrews (R-York)  
 Carol Weston (R-Montville)  
 Mary Ellen Ledwin (R-Holden)  
 Donald G. Soctomah (Passamaquoddy Tribe)

**Health and Human Services**

Thomas J. Kane, Chair (D-Saco)  
 Joseph E. Brooks (D-Winterport)  
 Elaine Fuller (D-Manchester)  
 Edward R. Dugay (D-Cherryfield)  
 Benjamin F. Dudley (D-Portland)  
 Marie Laverriere-Boucher (D-Biddeford)  
 Glenys P. Lovett (R-Scarborough)\*  
 Thomas F. Shields (R-Auburn)  
 Julie Ann O'Brien (R-Augusta)  
 Robert W. Nutting (R-Oakland)

**Inland Fisheries and Wildlife**

Matthew Dunlap, Chair (D-Old Town)  
 Richard H. C. Tracy (D-Rome)  
 Joseph E. Clark (D-Millinocket)  
 Ronald E. Usher (D-Westbrook)  
 Bruce S. Bryant (D-Dixfield)  
 Monica McGlocklin (D-Embden)  
 Royce W. Perkins (R-Penobscot)\*  
 Howard A. Chick (R-Lebanon)  
 Ken Honey (R-Boothbay)  
 A. David Trahan (R-Waldoboro)

**Judiciary**

Charles C. LaVerdiere, Chair (D-Wilton)  
 Thomas D. Bull (D-Freeport)  
 Patricia T. Jacobs (D-Turner)  
 Charles E. Mitchell (D-Vassalboro)  
 Christopher T. Muse (D-South Portland)  
 Deborah L. Simpson (D-Auburn)  
 David R. Madore (R-Augusta)\*  
 G. Paul Waterhouse (R-Bridgton)  
 Stavros J. Mendros (R-Lewiston)  
 Roger L. Sherman (R-Hodgdon)  
 Donna M. Loring (Penobscot Nation)

**Labor**

Zachary E. Matthews, Chair (D-Winslow)  
 George H. Bunker, Jr. (D-Kossuth Township)  
 Deborah J. Hutton (D-Bowdoinham)  
 Jacqueline R. Norton (D-Bangor)  
 William J. Smith (D-Van Buren)  
 Frank J. Tarazewich (D-Waterboro)  
 Russell P. Treadwell (R-Carmel)\*  
 Jay MacDougall (R-North Berwick)  
 Gerald M. Davis (R-Falmouth)  
 Philip Cressey, Jr. (R-Baldwin)

**Legal and Veterans Affairs**

John L. Tuttle, Jr., Chair (D-Sanford)  
 Nancy L. Chizmar (D-Lisbon)  
 Lillian LaFontaine O'Brien (D-Lewiston)  
 Stephen C. Estes (D-Kittery)  
 William R. Cote (D-Lewiston)  
 John L. Patrick (D-Rumford)  
 Janice E. Labrecque (R-Gorham)\*  
 Arthur F. Mayo III (R-Bath)  
 Theodore H. Heidrich (R-Oxford)  
 Richard H. Duncan (R-Presque Isle)

**Marine Resources**

David G. Lemoine, Chair (D-Old Orchard Beach)  
 Paul Volenik (D-Brooklin)  
 Ronald E. Usher (D-Westbrook)  
 Thomas D. Bull (D-Freeport)  
 Nancy B. Sullivan (D-Biddeford)  
 Walter E. Ash, Jr. (D-Belfast)  
 William D. Pinkham (R-Lamoine)\*  
 Deborah K. McNeil (R-Rockland)  
 Howard A. Chick (R-Lebanon)  
 Kevin M. Muse (R-Fryeburg)

**Natural Resources**

Scott W. Cowger, Chair (D-Hallowell)  
 Joseph E. Clark (D-Millinocket)  
 Robert W. Duplessie (D-Westbrook)  
 Christina L. Baker (D-Bangor)  
 Joanne T. Twomey (D-Biddeford)  
 Theodore Koffman (D-Bar Harbor)  
 Robert A. Daigle (R-Arundel)\*  
 David L. Tobin (R-Windham)  
 James D. Annis (R-Dover-Foxcroft)  
 Richard A. Crabtree (R-Hope)

**State and Local Government**

Martha A. Bagley, Chair (D-Machias)  
 John F. McDonough (D-Portland)  
 Paul R. Hatch (D-Skowhegan)  
 Paul J. Lessard (D-Topsham)  
 Janet L. McLaughlin (D-Cape Elizabeth)  
 Susan L. Kasprzak (R-Newport)\*  
 Eleanor M. Murphy (R-Berwick)  
 Peter D. Chase (R-Levant)  
 Anita P. Haskell (R-Milford)  
 John M. Michael (I-Auburn)

**Taxation**

Bonnie Green, Chair (D-Monmouth)  
 Stephen S. Stanley (D-Medway)  
 Rosita Gagne (D-Buckfield)  
 Joseph C. Perry (D-Bangor)  
 Bernard E. McGowan (D-Pittsfield)  
 Janet L. McLaughlin (D-Cape Elizabeth)  
 Eleanor M. Murphy (R-Berwick)\*  
 John T. Buck (R-Yarmouth)  
 Randall L. Bumps (R-China)  
 David E. Bowles (R-Sanford)

**Transportation**

Charles D. Fisher, Chair (D-Brewer)  
 Gerald N. Bouffard (D-Lewiston)  
 Gary J. Wheeler (D-Eliot)  
 George H. Bunker, Jr. (D-Kossuth Township)  
 Boyd P. Marley (D-Portland)  
 Rosaire Paradis, Jr. (D-Frenchville)  
 Edgar Wheeler (R-Bridgewater)\*  
 Ronald F. Collins (R-Wells)  
 Terrence P. McKenney (R-Cumberland)  
 Deborah K. McNeil (R-Rockland)

**Utilities and Energy**

William R. Savage, Chair (D-Buxton)  
 Monica McGlocklin (D-Embden)  
 Albion D. Goodwin (D-Pembroke)  
 Lawrence Bliss (D-South Portland)  
 Christopher G. L. Hall (D-Bristol)  
 Peter L. Rines (D-Wiscasset)

Donald P. Berry, Sr. (R-Belmont)\*  
Richard H. Duncan (R-Presque Isle)  
Royce W. Perkins (R-Penobscot)  
Richard A. Crabtree (R-Hope)  
\*Ranking Republican Member  
**READ and ORDERED PLACED ON FILE.**  
Sent for concurrence.

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
BLUE RIBBON COMMISSION TO ESTABLISH  
A COMPREHENSIVE INTERNET POLICY**

December 6, 2000  
The Honorable President Michael H. Michaud  
The Honorable Speaker Michael V. Saxl  
120th Maine Legislature  
State House  
Augusta, ME 04333  
Dear President Michaud & Speaker Saxl:  
Pursuant to Resolves 1999, chapter 89, as amended by Public Law 1999, chapter 762, the Blue Ribbon Commission to Establish a Comprehensive Internet Policy is pleased to submit its final report including legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Business and Economic Development. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,  
S/Senator Carol A. Kontos, Senate Chair  
S/Representative Thomas M. Davidson, House Chair  
**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 13)  
**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
JOINT SELECT COMMITTEE  
ON JOINT RULES**

December 5, 2000  
Members, Maine Senate and House of Representatives  
2 State House Station  
Augusta, Maine 04333  
Dear Members:  
Pursuant to Joint Order 354, the Joint Select Committee on Joint Rules is pleased to submit its final report including recommended changes to the Joint Rules. The Committee met six times. This report contains the unanimous recommendations of those members who were present and voting. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,  
S/Sen. Lloyd P. LaFountain III, Co-chair  
S/Rep. Michael V. Saxl, Co-chair  
**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 16)  
**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
COMMITTEE TO DEVELOP A COMPENSATION PROGRAM  
FOR VICTIMS OF ABUSE AT THE GOVERNOR BAXTER  
SCHOOL FOR THE DEAF AND TO CONTINUE OVERSIGHT  
OF MULTIAGENCY COOPERATION**

December 15, 2000  
The Honorable President Michael H. Michaud  
The Honorable Speaker Michael V. Saxl  
120th Maine Legislature  
State House  
Augusta, ME 04333  
Dear President Michaud & Speaker Saxl:  
Pursuant to Resolve 1999, c. 127, Part B, the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multi-agency Cooperation is pleased to submit its final report including legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committees on Judiciary and Appropriations and Financial Affairs. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,  
S/Senator Sharon Anglin Treat, Senate Chair  
S/Representative Richard H. Thompson, House Chair  
**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 14)  
**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

December 5, 2000  
Honorable Mark W. Lawrence  
Senate President  
3 State House Station  
Augusta, Maine 04333  
Honorable G. Steven Rowe  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear President Lawrence and Speaker Rowe:  
We are pleased to transmit to you the report of the Joint Standing Committee on Taxation on "Income Tax Expenditure Review" as required by 36 M.R.S.A. §199. We hope that this report provides information that will be of use to the 120th Legislature.  
If you have any questions or if we can be of assistance in any other way, please do not hesitate to contact us.

Sincerely,  
S/Senator Richard P. Ruhlin, Chair  
S/Representative Kenneth T. Gagnon, Chair  
**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 17)  
**MAINE INDIAN TRIBAL-STATE COMMISSION  
P. O. BOX 87  
HALLOWELL, ME 04347**

December 15, 2000  
The Honorable Michael V. Saxl

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The Following Communication: (H.C. 15)

Speaker of the House  
120th Maine Legislature  
2 State House Station  
Augusta, Maine 04333-0002

Dear Speaker Saxl:

The Maine Indian Tribal-State Commission (MITSC) has completed the fourth and final year of its review of the civil laws of Maine, pursuant to Resolves 1997, Chapter 45. I am pleased to submit to you our report and recommendations, entitled "Impact of Maine Civil Laws on the Wabanaki: 1997-2000." Even though this is the final report required by Chapter 45, MITSC's work is ongoing because the laws, programs, and policies of the State of Maine impinge upon the Tribes and their culture in myriad ways.

In addition to reviewing the civil laws of Maine, Chapter 45 also required MITSC to convene an annual Assembly of Governors and Chiefs. Having organized four Assemblies since 1997, MITSC is happy to report that these have been most successful. MITSC is recommending that they be continued and that there also be an Annual Tribal-State Legislative Assembly.

MITSC has submitted a piece of legislation along with this report. This is entitled "An Act to Authorize the Maine Indian Tribal-State Commission to Introduce Legislation and to Organize Annual Assemblies of State and Tribal Leaders."

We look forward to discussing our work with the members of the 120th Legislature. Thank you.

Very Truly Yours,  
S/Cushman D. Anthony  
Chair

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

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The Following Communication: (H.C. 18)  
**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL  
SERVICES  
BUREAU OF THE BUDGET  
STATE HOUSE STATION 58  
AUGUSTA, MAINE 04333**

Date: December 15, 2000  
To: Members of the 120th Maine Legislature  
James Clair, Director,  
Office of Fiscal and Program Review  
From: S/John R. Nicholas, State Budget Officer  
\*\*\*\*\*

Public Law 1995, Chapter 591 requires each department and agency to submit to the Bureau of the Budget a list of any new laws, regulations or other requirements of the Federal Government that may require the State of Maine to comply with a new Federal mandate in FY01 or in the FY02-03 biennium. (New is defined as being any mandate for which the implementation date is September 30, 2000 or later).

Attached please find the report of Federal mandates as submitted from the various state departments and agencies.

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

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The Following Communication: (H.C. 19)  
**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

**JOINT SELECT COMMITTEE ON  
SCHOOL-BASED HEALTH CARE SERVICES**

December 2000  
The Honorable President Michael H. Michaud  
The Honorable Speaker Michael V. Saxl  
120th Maine Legislature  
State House  
Augusta, ME 04333

Dear President Michaud and Speaker Saxl:  
Pursuant to Joint Order, House Paper 1864, the Joint Select Committee on School-based Health Care Services is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Banking and Insurance. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,  
S/Sen. Neria R. Douglass, Co-chair  
S/Rep. Elaine Fuller, Co-chair

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

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The Following Communication: (H.C. 20)  
**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

**JOINT SELECT COMMITTEE TO STUDY THE CREATION OF  
A PUBLIC/PRIVATE PURCHASING ALLIANCE TO ENSURE  
ACCESS TO HEALTH CARE FOR ALL MAINE CITIZENS**

December 2000  
The Honorable President Michael H. Michaud  
The Honorable Speaker Michael V. Saxl  
120th Maine Legislature  
State House  
Augusta, ME 04333

Dear President Michaud and Speaker Saxl:  
Pursuant to Joint Order, House Paper 1857, the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Banking and Insurance. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,  
S/Senator Jill M. Goldthwait, Co-chair  
S/Representative Jane Saxl, Co-chair

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

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The Following Communication: (H.C. 22)  
**STATE OF MAINE  
120TH LEGISLATURE**

January 3, 2001  
Honorable Millicent MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:  
Pursuant to our authority under Title 12, Section 4652, we are pleased to appoint Representative David Etnier as Legislative

Commissioner to the Atlantic States Marine Fisheries Commission.

If you have any questions about this appointment, please contact us.

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Michael V. Saxl

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

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**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act to Eliminate Fees for the Use of State Parks by Residents of the Municipalities in Which Those Parks Are Located"

(H.P. 16) (L.D. 16)

Presented by Representative PINKHAM of Lamoine.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BERRY of Belmont, DUNCAN of Presque Isle, ETNIER of Harpswell, GOODWIN of Pembroke, JODREY of Bethel, KASPRZAK of Newport, SKOGLUND of St. George, WESTON of Montville.

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**BANKING AND INSURANCE**

Bill "An Act to Require Credit Card Issuers to Provide Greater Notice of Changes in Terms"

(H.P. 10) (L.D. 10)

Presented by Representative GLYNN of South Portland.

Bill "An Act to Allow a Person to Obtain Personal Insurance instead of Per Vehicle Insurance"

(H.P. 18) (L.D. 18)

Presented by Representative PERKINS of Penobscot. (BY REQUEST)

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act to Allow Local Boards of Education the Option to Grant a High School Diploma to Former Students Who Are Honorably Discharged World War II Veterans" (EMERGENCY)

(H.P. 21) (L.D. 21)

Presented by Representative RICHARD of Madison.

Cosponsored by Senator MARTIN of Aroostook and Representatives: BELANGER of Caribou, DESMOND of Mapleton, ESTES of Kittery, PINEAU of Jay, SCHNEIDER of Durham, SKOGLUND of St. George, TOBIN of Dexter.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales"

(H.P. 14) (L.D. 14)

Presented by Representative WATERHOUSE of Bridgton.

Cosponsored by Senator McALEVEY of York and Representatives: CHIZMAR of Lisbon, LOVETT of Scarborough, POVICH of Ellsworth, SNOWE-MELLO of Poland, Senator: DAVIS of Piscataquis.

Bill "An Act to Raise the Minimum Age to Buy Tobacco Products to 21 Years of Age"

(H.P. 23) (L.D. 23)

Presented by Representative TRAHAN of Waldoboro. (BY REQUEST)

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act to Provide Complimentary Hunting and Fishing Licenses to Resident Active Military Personnel"

(H.P. 8) (L.D. 8)

Presented by Representative JACOBS of Turner.

Cosponsored by Representatives: BERRY of Livermore, CHICK of Lebanon, GREEN of Monmouth, HEIDRICH of Oxford, NORTON of Bangor, SIMPSON of Auburn.

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**LEGAL AND VETERANS AFFAIRS**

Resolve, Authorizing Bonnie Dunn to Sue the State

(H.P. 7) (L.D. 7)

Presented by Representative FULLER of Manchester.

Bill "An Act to Regulate Exit Polling"

(H.P. 9) (L.D. 9)

Presented by Representative GLYNN of South Portland.

Bill "An Act to Revoke the Voting Privileges of Persons Convicted of Murder or a Class A Crime"

(H.P. 19) (L.D. 19)

Presented by Representative ANDREWS of York.

Cosponsored by Senator LEMONT of York and Representatives: CARR of Lincoln, ETNIER of Harpswell, FISHER of Brewer, GLYNN of South Portland, LOVETT of Scarborough, MURPHY of Berwick, STANLEY of Medway, Senator: McALEVEY of York.

Bill "An Act to Increase the Pay-out Limit for Bingo Events"

(H.P. 20) (L.D. 20)

Presented by Representative TREADWELL of Carmel.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: CLOUGH of Scarborough, GOODWIN of Pembroke, HEIDRICH of Oxford, LOVETT of Scarborough.

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**MARINE RESOURCES**

Bill "An Act to Allow Persons Completing the Lobster Apprentice Program Admission to Limited-entry Zones"

(H.P. 15) (L.D. 15)

Presented by Representative PINKHAM of Lamoine.

Cosponsored by Senator SHOREY of Washington and Representatives: DUGAY of Cherryfield, DUNLAP of Old Town, GOODWIN of Pembroke, HONEY of Boothbay, KASPRZAK of Newport, MORRISON of Baileyville.



**TAXATION**

Bill "An Act to Exempt Clothing and Wearing Apparel from the State Sales Tax"

(H.P. 11) (L.D. 11)

Presented by Representative ANNIS of Dover-Foxcroft.  
Cosponsored by Representatives: DUPREY of Hampden, TOBIN of Dexter.

Bill "An Act to Provide a Tax Credit for Certain Educational Materials used by Homeschoolers" (EMERGENCY)

(H.P. 12) (L.D. 12)

Presented by Representative CLOUGH of Scarborough.  
Cosponsored by Senator SHOREY of Washington and Representatives: GLYNN of South Portland, HEIDRICH of Oxford, LABRECQUE of Gorham, MURPHY of Kennebunk, SHERMAN of Hodgdon, TOBIN of Windham, WESTON of Montville, Senator: McALEVY of York.

Bill "An Act to Amend the Definition of Agricultural Land for Taxation at its Current Use"

(H.P. 13) (L.D. 13)

Presented by Representative GREEN of Monmouth.  
Cosponsored by Senator NUTTING of Androscoggin and Representatives: COTE of Lewiston, DUPLESSIE of Westbrook, FULLER of Manchester, JACOBS of Turner, MAILHOT of Lewiston, O'BRIEN of Lewiston, Senator: DOUGLASS of Androscoggin.

Bill "An Act to Increase the State Earned Income Tax Credit from 5% to 10% of the Federal Earned Income Credit"

(H.P. 17) (L.D. 17)

Presented by Representative POVICH of Ellsworth.  
Cosponsored by Senator LEMONT of York and Representatives: BELANGER of Caribou, BROOKS of Winterport, DUNLAP of Old Town, JONES of Greenville, SULLIVAN of Biddeford, WHEELER of Eliot, WINSOR of Norway, Senator: GAGNON of Kennebec.

Bill "An Act to Expand Eligibility for the Veterans' Property Tax Exemption"

(H.P. 26) (L.D. 26)

Presented by Representative MURPHY of Berwick.  
Cosponsored by Senator CARPENTER of York and Representatives: ANNIS of Dover-Foxcroft, DUPREY of Hampden, GLYNN of South Portland, MacDOUGALL of North Berwick, MATTHEWS of Winslow, PINEAU of Jay, STANLEY of Medway, TOBIN of Dexter.

Committee on TAXATION suggested.

On motion of Representative GREEN of Monmouth, TABLED pending REFERENCE and later today assigned.

**UTILITIES AND ENERGY**

Bill "An Act to Amend the Charter of the South Berwick Sewer District"

(H.P. 24) (L.D. 24)

Presented by Representative MURPHY of Berwick.  
Cosponsored by Senator LEMONT of York and Representative: MacDOUGALL of North Berwick.

**Pursuant to Joint Study Order (H.P. 1930)  
Commission on Child Abuse**

Representative JACOBS for the Commission on Child Abuse pursuant to Joint Study Order (H.P. 1930) asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission on Child Abuse"

(H.P. 27) (L.D. 27)

Be REFERRED to the Committee on HEALTH AND HUMAN SERVICES and printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Resolve  
Task Force to Reduce the Burden of Home Heating Costs on Low-income Households**

Representative RICHARDSON for the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households pursuant to Resolve 1999, chapter 132 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households" (EMERGENCY)

(H.P. 29) (L.D. 29)

Be REFERRED to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT and printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Resolve  
Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft**

Representative DUNLAP for the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft pursuant to Resolve 1999, chapter 131 asks leave to report that the accompanying Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft (EMERGENCY)

(H.P. 28) (L.D. 28)

Be REFERRED to the Committee on INLAND FISHERIES AND WILDLIFE and printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on INLAND FISHERIES AND WILDLIFE and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute  
Maine State Retirement System**

Representative BERRY for the Maine State Retirement System pursuant to Maine Revised Statutes, Title 5, section 17103, subsection 13 asks leave to report that the accompanying Bill "An Act to Establish the Administrative

Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2002" (EMERGENCY)

(H.P. 25) (L.D. 25)

Be REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative **POVICH** for the **Criminal Law Advisory Commission** pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Correct a Reference in the Maine Juvenile Code"

(H.P. 31) (L.D. 5)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Education**

Representative **RICHARD** for the **Department of Education** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 22) (L.D. 22)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Human Services, Community Services Center**

Representative **KANE** for the **Department of Human Services, Community Services Center** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a Major Substantive Rule of the Department of Human Services, Community Services Center (EMERGENCY)

(H.P. 6) (L.D. 6)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Revisor of Statutes**

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

(H.P. 30) (L.D. 30)

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**REPORTS OF COMMITTEE**

The Following Communication: (H.C. 21)

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**2 STATE HOUSE STATION**

**AUGUSTA, ME 04333-0002**

**HOUSE COMMITTEE ON ELECTIONS**

January 4, 2001

Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Madam Clerk:

In compliance with the directive of the House, enclosed herewith in the form of an Order is the Report of the House Committee on Elections regarding the election in House District 137.

Also enclosed herewith is the summary of the relevant facts by our independent counsel, Professor Donald Zillman.

Sincerely,

S/David M. Etnier, Harpswell

Chair

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

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On motion of Representative **ETNIER** of Harpswell, the following House Order: (H.O. 10)

**WHEREAS**, the petition received from Laura J. Sanborn contesting the election results in House District 137 has now been withdrawn by the same Laura J. Sanborn, now, therefore, be it

**ORDERED**, that Anita P. Haskell be seated in the House as the duly elected Representative of House District 137.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I wanted to commend some folks today for the fine work they did. The hard emotionally difficult work they did over the month of December, the three days that we met, and that

would be the Elections Committee. We had a fine group of people on that committee, as I told them, some would question the abilities of the chair, which ended up being me. The rest of them did a good job. I would like to thank them for taking three Fridays out of the month of December, when they quite probably had a couple other things they might need to be doing and to devote their full attention and due diligence to the very important issue that lay before us, which was deciding, as best we could, the disputed election in House District 137.

I also would like to thank the able assistance of Clerk Emeritus Joseph Mayo. He was a tremendous asset. He provided us with a lot of the necessary history regarding disputed elections in this state and helped us in our deliberations as well. Also, Rita Melody, who assisted him. Very importantly, I wanted to thank your independent council who we chose unanimously as an Elections Committee. Our independent council was former dean of the Maine Law School, Professor Donald Zillman. He, too, was grabbed in the wee hours of the middle of December and we said that we needed his help right away. We need all the time you can give us. We don't care that Christmas is tomorrow or was yesterday. We need a full and fair finding of the facts relative to this disputed election and we need it delivered no later than the 29<sup>th</sup>. That report is being copied now. His final report to the committee, which is dated on the 3<sup>rd</sup> of this month is being copied and will be delivered to each of you on your seat. It is just called a memorandum from Donald Zillman, Independent Council to the House Committee on Elections. I urge each and every one of you to please take the time to peruse that. I see from my copy that he is about as good a typist as I am. Other than that, it is a very helpful document in terms of answering some of the questions that we may all have in terms of what the issues were and why the committee chose in its unanimous decision to do what it did.

In addition, I would like to thank Representative Laura Sanborn for her due diligence in bringing forward the issues that were presented to our committee. Her attorney and the attorney for the respondent, Representative Haskell, both made very fine presentations to our committee and illuminated the issues from both of their perspectives. Representative Sanborn, I believe, by having brought this issue forward, has illuminated, frankly, what I believe the committee was in agreement on, a weakness in Maine State Election Law that needs to be resolved. We feel that the issue of filing a challenge after the date of the election that needs to be considered. Sometimes there are good grounds for doing so within a very limited period of opportunity and with very limited reasons. I think on the committee we were in agreement that it was something that needed to be looked into. We intend and will be bringing forward a piece of legislation as a result of our deliberations. We will be bringing to the fine Committee on Legal and Veterans Affairs to have them look through it and see if there is a way we can address the issues that were raised by Representative Sanborn in her challenge petition of this election. Again; I want to thank her for her hard work on that. I also want to thank her personally and on behalf of the 120<sup>th</sup> Legislature for her contributions to the State of Maine in both the 118<sup>th</sup> Legislature and the 119<sup>th</sup> Legislature, as a member of the Transportation Committee and as a hardworking Maine State Legislature representing the fine folks of House District 137.

I also wanted to say one other thing on the record. If there was one thing that we learned on that committee, it is that everything we do relative to election committees is very much on

the record and very much looked at with a fine tooth comb by future elections committees. There will be future elections committees because there will be future disputed elections. That is all part of a democracy. We reached, as a committee, no conclusion on the precedent involved with this decision. We went ahead and seated Representative Anita Haskell as you see here in this order. Representative Haskell did withdraw her petition as you see in this order. We therefore did reach no conclusion as to the precedent leading up to this. There were a variety of opinions on the precedent one way or the other. We don't mean our final deliberation is here to stand as precedent. We did reach a final conclusion, but that was because of the withdrawal of the petition. There are still unanswered questions in this district. There are still things that need to be resolved by future legislation, hopefully. Again, I want to thank all the parties involved for their hard work and I appreciate your patience. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I, too, rise to thank the House Elections Committee for the wonderful job they did. This is not an easy task. The tendency in this type of committee is to be partisan. I am honored to serve with the people who served on this committee for thinking out the problems. I think the chair never gives himself enough credit for doing a good job as a chair. I thank him for his deliberation and thoughtfulness. This is a difficult situation. As was reflected in the national election, an election has become very difficult to decide when they are close. Representative Sanborn did a good job here for the two terms that she served. We appreciate her work. She was a good member of the House and did a good job on the Transportation Committee. I know that Representative Haskell will do an equally good job here. We look forward to working with her also. Speaker Saxl, I want to thank you for appointing a committee that was fair and open minded. I truly appreciate that. It sets the tone for the upcoming session, hopefully, that as we move on that we can overcome what seemed like difficult obstacles, but if we can work together, I know we can move forward. Thank you very much to the committee.

**PASSED.**

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Joint Order: (S.P. 13)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 9, 2001, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.  
**READ** and **PASSED** in concurrence.

Bill "An Act to Phase Out Community Income Considerations from the School Funding Formula"

(S.P. 9) (L.D. 1)

Bill "An Act to Establish Guidelines for High School Sports"

(S.P. 11) (L.D. 3)

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

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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Bill "An Act to Ban Steel Leg-hold Traps"

(S.P. 12) (L.D. 4)

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

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Bill "An Act to Clarify the Division Line Between the Towns of Deer Isle and Stonington"

(S.P. 10) (L.D. 2)

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

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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On motion of Representative PERKINS of Penobscot, the House adjourned at 11:11 a.m., until 10:00 a.m., Tuesday, January 9, 2001 pursuant to the Joint Order (S.P. 13) and in honor and lasting tribute to former Speaker of the Maine House of Representatives, the Honorable Vinal G. Good, of Sebago and Francis J. Kelly, of Lewiston.