

MAINE STATE LEGISLATURE

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

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
2nd Legislative Day
Friday, January 4, 2002

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

Prayer by Reverend Peter A. Parent, Mapleton United Methodist Church and Lidstone Memorial United Methodist Church, Washburn.

Pledge of Allegiance.

Doctor of the day, Richard Dillihunt, M.D., Portland (retired).

The Journal of Wednesday, January 2, 2002 was read and approved.

At this point, the Speaker recognized the Representative from Bristol, Representative HALL, the Representative from Holden, Representative LEDWIN, the Representative from Brunswick, Representative RICHARDSON and the Representative from Orono, Representative THOMAS and they were added to the quorum call of the Second Regular Session of the 120th Legislature.

SENATE PAPERS

Bill "An Act to Make Technical Changes to the Maine State Grant Program"

(S.P. 732) (L.D. 2042)

Resolve, to Study School Administrative Unit Organization in Maine

(S.P. 733) (L.D. 2043)

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.

Resolve, to Recognize Veterans of World War II and the Korean Conflict in the State House Hall of Flags

(S.P. 735) (L.D. 2046)

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.

COMMUNICATIONS

The Following Communication: (H.C. 330)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

**COMMITTEE TO STUDY THE NEEDS OF PERSONS WITH
MENTAL ILLNESS WHO ARE INCARCERATED**

December 19, 2001

The Honorable President Richard A. Bennett

The Honorable Speaker Michael V. Saxl

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to H.P. 1383, the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council.

Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Michael J. McAlevey, Senate Chair

S/Edward J. Povich, House Chair

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

The Following Communication: (H.C. 331)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

**ROUND TABLE TO STUDY ECONOMIC AND LABOR ISSUES
RELATING TO THE FOREST PRODUCTS INDUSTRY**

December 28, 2001

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Resolves 1999, chapter 124, the Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry is pleased to submit its final report. Copies of the report have been transmitted to the members of the Legislative Council. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Sen. John M. Nutting, Co-Chair

S/Rep. Rosita Gagne, Co-Chair

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

The Following Communication: (H.C. 332)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

**COMMITTEE TO STUDY THE BENEFITS AND COSTS FOR
INCREASING ACCESS TO FAMILY AND MEDICAL LEAVE**

December 31, 2001

The Honorable Richard A. Bennett, President

Maine State Senate

The Honorable Michael V. Saxl, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Order, House Paper 1386, the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Labor. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Betheda G. Edmonds, Senate Chair

S/Representative Gerald M. Davis, House Chair

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

The Following Communication: (S.P. 656)

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

November 29, 2001
Michael H. Michaud
President of the Senate
120th Legislature
Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Michaud and Speaker Saxl:
On November 29, 2001 two bills and one resolve were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on November 29, 2001, as follows:

Taxation

Resolve, Relating to the State Valuation for the Town of Dexter. (S.P. 654) (L.D. 1833) (Sponsored by Senator Davis of Piscataquis) (Cosponsored by Representative Tobin of Dexter) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203).

Bill "An Act to Ensure Continued Reporting of Tax Incentive Recipients." (S.P. 655) (L.D. 1834) (Sponsored by Senator Gagnon of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203).

Transportation

Bill "An Act to Strengthen the Habitual Offender Law." (S.P. 653) (L.D. 1832) (Sponsored by Senator O'Gara of Cumberland) (Cosponsored by Representative Gerzofsky of Brunswick, Senators: McAleve of York, Savage of Knox, Representative Tobin of Dexter (Submitted by the Secretary of State pursuant to Joint Rule 204).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Millicent M. MacFarland
Clerk of the House

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: (S.P. 659)

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

December 5, 2001
Michael H. Michaud
President of the Senate
120th Legislature
Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Michaud and Speaker Saxl:
On December 5, 2001 two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 5, 2001, as follows:

Criminal Justice

Bill "An Act to Improve the Juvenile Drug Court Program" (S.P. 658) (L.D. 1850) (Sponsored by Senator McAleve of York) (Cosponsored by Representatives: Gerzofsky of Brunswick, O'Brien of Lewiston, Povich of Ellsworth, Snowe-Mello of Poland

and Tobin of Dexter) (Submitted by the Department of Corrections pursuant to Joint Rule 204.)
Natural Resources

Bill "An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites" (S.P. 657) (L.D. 1849) (Sponsored by Senator Martin of Aroostook) (Cosponsored by Representative Stanley of Medway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Millicent M. MacFarland
Clerk of the House

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: (S.P. 670)

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

December 13, 2001
Richard A. Bennett
President of the Senate
120th Legislature
Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Bennett and Speaker Saxl:
On December 13, 2001 three bills and two resolves were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 13, 2001, as follows:

Agriculture Conservation and Forestry:

Bill "An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines." (S.P. 664) (L.D. 1855) (Sponsored by Senator Nutting of Androscoggin) (Cosponsored by Representative Gooley of Farmington and Representative Foster of Gray) (Submitted by the Department of Conservation pursuant to Joint Rule 204.)
State and Local Government:

Bill "An Act to Authorize the Formation of Regional County Corrections Authorities." (Emergency) (S.P. 662) (L.D. 1853) (Sponsored by Senator McAleve of York) (Cosponsored by Representative Jodrey of Bethel, Senators: Davis of Piscataquis, Savage of Knox, Woodcock of Franklin, Representatives: Madore of Augusta, Peavey of Woolwich, Sherman of Hodgdon, Snowe-Mello of Poland and Tobin of Dexter.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Resolve, to Validate the Assessment, Commitment and Tax Collection of the Town of Wells for the Fiscal Year 2001. (Emergency) (S.P. 663) (L.D. 1854) (Sponsored by Senator Carpenter of York) (Cosponsored by Representative Collins of Wells, President Bennett of Oxford, Senator Davis of Piscataquis, President Pro Tempore Michaud of Penobscot, Senators: O'Gara of Cumberland, Woodcock of Franklin, Representatives: Bowles of Sanford, Bruno of Raymond and Schneider of Durham.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Transportation:

Resolve, to Rename the Bridge Between Rumford and Mexico. (S.P. 660) (L.D. 1851) (Sponsored by Senator Ferguson of Oxford) (Cosponsored by Representative Sherman of Hodgdon) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Require Tractor-trailer Drivers to Clean Off the Roofs of Their Vehicles." (S.P. 661) (L.D. 1852) (Sponsored by Senator Ferguson of Oxford) (Cosponsored by Senator Rotundo of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

S/Millicent M. MacFarland

Clerk of the House

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 677)

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

December 14, 2001

Richard A. Bennett

President of the Senate

120th Legislature

Michael V. Saxl

Speaker of the House

120th Legislature

Dear President Bennett and Speaker Saxl:

On December 14, 2001 eight bills and three resolves were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 14, 2001, as follows:

Business and Economic Development:

Bill "An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans" (S.P. 674) (L.D. 1877) (Sponsored by Senator Pendleton of Cumberland) (Cosponsored by Representative Ledwin of Holden and Senator Bromley of Cumberland, President Pro Tempore Michaud of Penobscot, Senator Shorey of Washington, Representatives: Clough of Scarborough, Cummings of Portland, and Marraché of Waterville. (Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.)

State and Local Government:

Bill "An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes" (S.P. 671) (L.D. 1874) (Sponsored by Senator Pendleton of Cumberland.) (Cosponsored by Representative McDonough of Portland.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Waive the Competitive Bid Requirement for Lease of Certain Unused State Facilities" (S.P. 672) (L.D. 1875) (Sponsored by Senator Pendleton of Cumberland.) (Cosponsored by Representative McDonough of Portland.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the

Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 (S.P. 673) (L.D. 1876) (Sponsored by Senator Daggett of Kennebec.) (Cosponsored by Senator Pendleton of Cumberland and Representative McDonough of Portland.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland (S.P. 675) (L.D. 1878) (Sponsored by Senator Pendleton of Cumberland.) (Cosponsored by Representative McDonough of Portland.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Acquire or Dispose of Property or Interest in Property Pursuant to the Augusta State Facilities Master Plan set out in Resolve 2001, Chapter 34 (S.P. 676) (L.D. 1879) (Sponsored by Senator Pendleton of Cumberland.) (Cosponsored by Representative McDonough of Portland.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Taxation:

Bill "An Act to Make Minor Substantive Changes to the Tax Laws" (S.P. 666) (L.D. 1870) (Sponsored by Senator Gagnon of Kennebec.) (Cosponsored by Representative Green of Monmouth.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Conform Maine Tax Law to the Federal Mobile Telecommunications Sourcing Act" (Emergency) (S.P. 667) (L.D. 1871) (Sponsored by Senator Gagnon of Kennebec.) (Cosponsored by Representative Green of Monmouth.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Enable the State to Enter into an Agreement with Other States to Simplify and Modernize Sales and Use Tax Administration" (Emergency) (S.P. 668) (L.D. 1872) (Sponsored by Senator Gagnon of Kennebec.) (Cosponsored by Representative Green of Monmouth.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Amend the Tax Laws" (Emergency) (S.P. 669) (L.D. 1873) (Sponsored by Senator Gagnon of Kennebec.) (Cosponsored by Representative Green of Monmouth.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Utilities and Energy:

Bill "An Act Regarding Protective Orders in Public Utilities Commission Proceedings" (S.P. 665) (L.D. 1869) (Sponsored by Senator McAlevy of York.) (Cosponsored by Representatives: Sherman of Hodgdon, Snowe-Mello of Poland.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

S/Millicent M. MacFarland

Clerk of the House

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 730)

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

December 17, 2001

Richard A. Bennett
President of the Senate
120th Legislature
Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Bennett and Speaker Saxl:

On December 17, 2001, 44 bills, 4 resolves and 1 constitution amendment were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 17, 2001, as follows:

Agriculture, Conservation and Forestry:

Bill "An Act Authorizing the Transfer of Rights from Schedule Brook Bridge to Henderson Brook Bridge" (S.P. 703) (L.D. 1905) (Sponsored by President Pro Tem Michaud of Penobscot.) (Cosponsored by Representative Bruno of Raymond and Senator Kneeland of Aroostook, Representatives: Lundeen of Mars Hill, Michaud of Fort Kent. (Submitted by the Department of Conservation pursuant to Joint Rule 204.)

Bill "An Act to Amend the Integrated Pest Management Laws" (S.P. 716) (L.D. 1918) (Sponsored by Senator Kneeland of Aroostook.) (Cosponsored by Representative McKee of Wayne and Senator Kilkelly of Lincoln, Representatives: Carr of Lincoln, Foster of Gray, Hawes of Standish, Pineau of Jay.) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.)

Bill "An Act Concerning Rules of the Bureau of Parks and Lands" (S.P. 720) (L.D. 1922) (Sponsored by Senator Kilkelly of Lincoln.) (Cosponsored by Representative Carr of Lincoln and Representative Gooley of Farmington.) (Submitted by the Department of Conservation pursuant to Joint Rule 204.)

Bill "An Act to Amend the Animal Health and Disease Control Laws" (S.P. 724) (L.D. 1965) (Sponsored by Senator Kilkelly of Lincoln.) (Cosponsored by Representative Carr of Lincoln and Representatives: Hawes of Standish, Landry of Patten, Lundeen of Mars Hill.) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.)

Appropriations and Financial Affairs:

Bill "An Act to Adjust the Salary of the Governor" (S.P. 690) (L.D. 1892) (Sponsored by Senator Goldthwait of Hancock.) (Cosponsored by Speaker Saxl of Portland and Senators: Martin of Aroostook, Mills of Somerset, Representatives: Bruno of Raymond, Etnier of Harpswell.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Provide Emergency Funds to the University of Maine System for the Increased Cost of Health Insurance" (Emergency) (S.P. 698) (L.D. 1900) (Sponsored by Senator Cathcart of Penobscot.) (Cosponsored by Representative Thomas of Orono and Senators: Daggett of Kennebec, Rotundo of Androscoggin, Representatives: Bliss of South Portland, Mailhot of Lewiston, Marley of Portland, Mayo of Bath, Paradis of Frenchville, Rosen of Bucksport.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Fund the Maine Biomedical Research Program" (S.P. 700) (L.D. 1902) (Sponsored by Senator Goldthwait of Hancock.) (Cosponsored by Representative Berry of Livermore and President Bennett of Oxford, President Pro Tem

Michaud of Penobscot, Senator Turner of Cumberland, Representatives: Bruno of Raymond, Colwell of Gardiner, Rosen of Bucksport, Speaker Saxl of Portland, Representative Schneider of Durham.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Banking and Insurance:

Bill "An Act to Reduce Identity Theft by Requiring Truncated Credit Card Receipts" (S.P. 678) (L.D. 1880) (Sponsored by Senator Mitchell of Penobscot.) (Cosponsored by Representative Colwell of Gardiner and Senators: Davis of Piscataquis, Sawyer of Penobscot, Small of Sagadahoc, Youngblood of Penobscot.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Business and Economic Development:

Bill "An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks" (S.P. 686) (L.D. 1888) (Sponsored by President Bennett of Oxford.) (Cosponsored by Senator Daggett of Kennebec, Representative Winsor of Norway.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Regarding Certain Educational Requirements for Licensed Social Workers" (S.P. 709) (L.D. 1911) (Sponsored by Senator Daggett of Kennebec.) (Cosponsored by Senator Longley of Waldo, Representative Dugay of Cherryfield.) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Bill "An Act to Make Minor Changes to the Maine Technology Institute's Statute and to Make Minor Changes to the Applied Technology Development Centers' Statute" (S.P. 712) (L.D. 1914) (Sponsored by Senator Shorey of Washington.) (Cosponsored by Representative Bryant of Dixfield and Representatives: Dorr of Camden, Richardson of Brunswick.) (Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.)

Bill "An Act to Increase the Licensing Fee Cap for the Maine Board of Pharmacy" (S.P. 715) (L.D. 1917) (Sponsored by Senator Shorey of Washington.) (Cosponsored by Representative Richardson of Brunswick and Representative Clough of Scarborough.) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Criminal Justice:

Resolve, to Provide Computers to Rural Fire Stations (S.P. 701) (L.D. 1903) (Sponsored by President Pro Tem Michaud of Penobscot.) (Cosponsored by Representative Berry of Livermore and Senator Martin of Aroostook, Representatives: Duplessie of Westbrook, Jones of Greenville, Stanley of Medway.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Education and Cultural Affairs:

Resolve, Directing the Department of Education to Provide Adult Education and Other Support Services (S.P. 687) (L.D. 1889) (Sponsored by Senator Treat of Kennebec.) (Cosponsored by Senators: Edmonds of Cumberland, Mitchell of Penobscot, Rand of Cumberland, Representatives: Cummings of Portland, Mitchell of Vassalboro.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Health and Human Services:

Resolve, Directing the Department of Behavioral and Developmental Services to Recommend a Name for the New Psychiatric Treatment Center Located in Augusta (S.P. 680) (L.D. 1882) (Sponsored by Senator Daggett of Kennebec.) (Cosponsored by Representative O'Brien of Augusta and Senator Turner of Cumberland, Representatives: Dudley of Portland, Dugay of Cherryfield, Fuller of Manchester, Laverriere-Boucher of

Biddeford, Madore of Augusta, Mitchell of Vassalboro, Nutting of Oakland.) (Submitted by the Department of Behavioral and Developmental Services pursuant to Joint Rule 204.)

Bill "An Act to Require Majority Resident Representation on the Board of Any Assisted Living Facility Receiving Bonds from the Maine Health and Higher Education Facilities Authority" (S.P. 689) (L.D. 1891) (Sponsored by President Bennett of Oxford.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program (S.P. 699) (L.D. 1901) (Sponsored by Senator Douglass of Androscoggin.) (Cosponsored by Speaker Saxl of Portland and Senator Martin of Aroostook, Representatives: Cowger of Hallowell, Dudley of Portland, Dugay of Cherryfield.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Implement the Recommendations of the Health Care Workforce Steering Committee" (S.P. 711) (L.D. 1913) (Sponsored by President Pro Tem Michaud of Penobscot.) (Cosponsored by Speaker Saxl of Portland and Senators: Cathcart of Penobscot, Goldthwait of Hancock, Longley of Waldo, Martin of Aroostook, Sawyer of Penobscot, Representatives: Fuller of Manchester, Mayo of Bath.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs" (S.P. 714) (L.D. 1916) (Sponsored by Senator Martin of Aroostook.) (Cosponsored by Representative Nutting of Oakland and Senator Turner of Cumberland, Representatives: Brooks of Winterport, Dudley of Portland, Dugay of Cherryfield, Fuller of Manchester, Boucher-Boucher of Biddeford.) (Submitted by the Department of Behavioral and Developmental Services pursuant to Joint Rule 204.)

Bill "An Act to Support a Continuum of Quality Long-term Care Services" (Emergency) (S.P. 722) (L.D. 1924) (Sponsored by Senator Martin of Aroostook.) (Cosponsored by Representative Brooks of Winterport and President Bennett of Oxford, Senators: Longley of Waldo, Turner of Cumberland, Representatives: Kane of Saco, Dudley of Portland, Dugay of Cherryfield, Nass of Acton, Schneider of Durham.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Inland Fisheries and Wildlife:

Bill "An Act to Clarify the Lines of Effort in a Search and Rescue Operation" (S.P. 693) (L.D. 1895) (Sponsored by Senator Cathcart of Penobscot.) (Cosponsored by Representative Dunlap of Old Town and Senator Kilkelly of Lincoln, Representatives: Chick of Lebanon, Thomas of Orono.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Amend Maine's Wild Turkey Hunting Season" (Emergency) (S.P. 721) (L.D. 1923) (Sponsored by Senator Nutting of Androscoggin.) (Cosponsored by Representatives: Chick of Lebanon, Dunlap of Old Town, Schneider of Durham.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Judiciary:

Bill "An Act Relating to the Dissemination of Intelligence and Investigative Information" (S.P. 697) (L.D. 1899) (Sponsored by Senator McAlevy of York.) (Cosponsored by Representatives: Berry of Livermore, Nass of Acton.) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Labor:

Bill "An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System" (S.P. 682) (L.D. 1884) (Sponsored by Senator Youngblood of Penobscot.) (Cosponsored by Representative Fisher of Brewer and Senators: Carpenter of York, Davis of Piscataquis, McAlevy of York, Representatives: Dunlap of Old Town, McDonough of Portland, Norbert of Portland.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Transfer Funds From the Service Retirement Benefit Reserve to the Maine State Retirement System in Order to Fund the Change in Retirement Eligibility Requirements for Game Wardens and Marine Patrol Officers" (Emergency) (S.P. 683) (L.D. 1885) (Sponsored by President Pro Tem Michaud of Penobscot.) (Cosponsored by Representative Dunlap of Old Town and Senators: Cathcart of Penobscot, Davis of Piscataquis, Edmonds of Cumberland, Martin of Aroostook, Representatives: Berry of Livermore, Chick of Lebanon, Jones of Greenville, Stanley of Medway.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Establish the Retired Teacher Health Insurance Contribution Fund" (S.P. 708) (L.D. 1910) (Sponsored by Senator Cathcart of Penobscot.) (Cosponsored by Representative Davis of Falmouth and Senators: Bromley of Cumberland, Davis of Piscataquis, Edmonds of Cumberland, Kilkelly of Lincoln, President Pro Tem Michaud of Penobscot, Senator Rotundo of Androscoggin, Representatives: Paradis of Frenchville, Skoglund of St. George, Thomas of Orono.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Ensure that Recipients of Trade Adjustment Assistance Retain Eligibility for Unemployment Compensation" (S.P. 710) (L.D. 1912) (Sponsored by President Pro Tem Michaud of Penobscot.) (Cosponsored by Speaker Saxl of Portland and Senators: Cathcart of Penobscot, Edmonds of Cumberland, Rotundo of Androscoggin, Treat of Kennebec, Representatives: Berry of Livermore, Carr of Lincoln.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Legal and Veterans Affairs:

Bill "An Act to Clarify the On-premise Liquor License Application Process" (S.P. 681) (L.D. 1883) (Sponsored by Senator Davis of Piscataquis.) (Cosponsored by Representative Labrecque of Gorham and Senator Woodcock of Franklin, Representative Tuttle of Sanford.) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

Bill "An Act to Reduce the Fee Structure for Class II Liquor Licenses" (S.P. 684) (L.D. 1886) (Sponsored by President Bennett of Oxford.) (Cosponsored by Representative Tuttle of Sanford and Representative Chizmar of Lisbon.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices" (S.P. 688) (L.D. 1890) (Sponsored by President Bennett of Oxford.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Require Tax-exempt Corporations to File Copies of Federal Internal Revenue Service Form 990 with the Secretary of State" (S.P. 702) (L.D. 1904) (Sponsored by President Bennett of Oxford.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises" (S.P. 706) (L.D. 1908) (Sponsored by Senator Douglass of Androscoggin.) (Cosponsored by Representative Labrecque of Gorham and Senator Woodcock of

Franklin, Representative Tuttle of Sanford.) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

Bill "An Act to Amend the Civil Service Law with Respect to Veterans' Preference" (S.P. 713) (L.D. 1915) (Sponsored by Senator Douglass of Androscoggin.) (Cosponsored by Representative Duncan of Presque Isle and Senator Sawyer of Penobscot, Representatives: Labrecque of Gorham, O'Brien of Lewiston, Speaker Saxl of Portland.) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Allow Approval of Internet-based Alcohol Server Education Courses" (S.P. 717) (L.D. 1919) (Sponsored by Senator Douglass of Androscoggin.) (Cosponsored by Representative Labrecque of Gorham and Senator Woodcock of Franklin, Representative: Tuttle of Sanford.) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

Natural Resources:

Bill "An Act to Permit Underground Storage Tanks in Low-risk Areas" (S.P. 685) (L.D. 1887) (Sponsored by Senator Small of Sagadahoc.) (Cosponsored by President Bennett of Oxford, Senators: Davis of Piscataquis, Martin of Aroostook, Sawyer of Penobscot, Representatives: Bowles of Sanford, Daigle of Arundel, Duplessie of Westbrook, Koffman of Bar Harbor.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Facilitate the Closure of Privately Owned Solid Waste Landfills" (Emergency) (S.P. 695) (L.D. 1897) (Sponsored by Senator Sawyer of Penobscot.) (Cosponsored by Representative Daigle of Arundel and Representative Koffman of Bar Harbor.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Mitigate the Effect of Large Mandatory Environmental Penalties" (S.P. 696) (L.D. 1898) (Sponsored by Senator Kilkelly of Lincoln.) (Cosponsored by Representative Daigle of Arundel and Senator Cathcart of Penobscot, Representatives: Carr of Lincoln, Mayo of Bath, Paradis of Frenchville, Sherman of Hodgdon.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles" (S.P. 719) (L.D. 1921) (Sponsored by Senator Martin of Aroostook.) (Cosponsored by Representative Cowger of Hallowell and Senator Sawyer of Penobscot, Representatives: Annis of Dover-Foxcroft, Duplessie of Westbrook.) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.)

Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection" (S.P. 723) (L.D. 1964) (Sponsored by Senator Martin of Aroostook.) (Cosponsored by Representative Cowger of Hallowell.) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.)

State and Local Government:

Bill "An Act to Permit the Town of Atkinson to Deorganize" (Emergency) (S.P. 707) (L.D. 1909) (Sponsored by Senator Davis of Piscataquis.) (Cosponsored by Representative Annis of Dover-Foxcroft.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year" (Emergency) (S.P. 726) (L.D. 1967) (Sponsored by Senator Small of Sagadahoc.) (Cosponsored by Representative Peavey of Woolwich and Senator Treat of Kennebec, Representatives: Etnier of Harpswell, Hutton of Bowdoinham, Lessard of Topsham, Mayo of Bath.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Taxation:

Bill "An Act Regarding Cigarette Tax Stamps" (Emergency) (S.P. 692) (L.D. 1894) (Sponsored by Senator Daggett of Kennebec.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Address Liquidation Harvesting" (S.P. 718) (L.D. 1920) (Sponsored by Senator Kilkelly of Lincoln.) (Cosponsored by Representative Nass of Acton and Senator Nutting of Androscoggin, Representative Jones of Greenville.) (Submitted by the Department of Conservation pursuant to Joint Rule 204.)

Bill "An Act to Amend the Laws Relating to Development Districts" (S.P. 725) (L.D. 1966) (Sponsored by Senator Gagnon of Kennebec.) (Cosponsored by Representative Richardson of Brunswick and Representatives: McGowan of Pittsfield, Murphy of Berwick.) (Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.)

Transportation:

Bill "An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation" (S.P. 679) (L.D. 1881) (Sponsored by Senator Savage of Knox.) (Cosponsored by Representative Fisher of Brewer.) (Submitted by the Department of Transportation pursuant to Joint Rule 204.)

Bill "An Act to Simplify the Process by Which a Financial Institution Transfers Motor Vehicle Title to a Lessee" (S.P. 694) (L.D. 1896) (Sponsored by Senator Youngblood of Penobscot.) (Cosponsored by Senators: Carpenter of York, Davis of Piscataquis, Representatives: Clough of Scarborough, Dunlap of Old Town, McDonough of Portland, Norbert of Portland, Weston of Montville.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

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) (Sponsored by Senator Savage of Knox.) (Cosponsored by Representative Fisher of Brewer.) (Submitted by the Department of Transportation pursuant to Joint Rule 204.)

Utilities and Energy:

Bill "An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate" (S.P. 691) (L.D. 1893) (Sponsored by Senator Ferguson of Oxford.) (Submitted by the Office of Public Advocate pursuant to Joint Rule 204.)

Bill "An Act to Amend the Charter of the Corinna Sewer District" (Emergency) (S.P. 704) (L.D. 1906) (Sponsored by Senator Davis of Piscataquis.) (Cosponsored by Representative Tobin of Dexter.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Sincerely,
S/Pamela L. Cahill
Secretary of the Senate
S/Millicent M. MacFarland
Clerk of the House

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The Following Communication: (S.P. 731)

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

December 20, 2001
Richard A. Bennett
President of the Senate

120th Legislature
Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Bennett and Speaker Saxl:
On December 18, 2001, 3 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 18, 2001, as follows:

Criminal Justice:

Bill "An Act to Increase the Penalty for Appropriating Another Person's Social Security Number." (S.P. 728) (L.D. 1987) (Sponsored by Senator Kilkelly of Lincoln.) (Under suspension of the rules, cosponsored by Senators: Bromley of Cumberland, Cathcart of Penobscot, Rotundo of Androscoggin, Representatives: Canavan of Waterville, Carr of Lincoln, Cote of Lewiston, Cowger of Hallowell, Daigle of Arundel, Dudley of Portland, Duncan of Presque Isle, Gerzofsky of Brunswick, Lemoine of Old Orchard Beach, Mayo of Bath, Paradis of Frenchville, Perkins of Penobscot, Pinkham of Lamoine, Sherman of Hodgdon, Volenik of Brooklin.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Judiciary:

Bill "An Act to Allow the State to Attach and Hold in Escrow Funds From Legal Settlements and Awards for the Purpose of Paying Child Support Obligations." (S.P. 727) (L.D. 1986) (Sponsored by Senator Kilkelly of Lincoln.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Labor:

Bill "An Act to Increase the Length of Time in Which a Retired State Employee May Add a Dependent to the Employee's Maine State Health Insurance Plan." (S.P. 729) (L.D. 1988) (Sponsored by Senator Davis of Piscataquis.) (Under suspension of the rules, cosponsored by Representative Colwell of Gardiner and President Bennett of Oxford, Senators: Carpenter of York, Cathcart of Penobscot, Daggett of Kennebec, Kneeland of Aroostook, McAlevey of York, President Pro Tem Michaud of Penobscot, Savage of Knox, Shorey of Washington, Small of Sagadahoc, Youngblood of Penobscot, Representatives: Carr of Lincoln, Dunlap of Old Town, Etnier of Harpswell, Gerzofsky of Brunswick, Stedman of Hartland, Weston of Montville.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Sincerely,

S/Pamela L. Cahill
Secretary of the Senate
S/Millicent M. MacFarland
Clerk of the House

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 734)
STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION #58
AUGUSTA, MAINE 04333

Date: December 19, 2001

To: Members of the 120th Maine Legislature
Grant Pennoyer, Director, Office of Fiscal and Program Review

From: S/Jack 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 the FY02/FY03 biennium. (New is defined as being any mandate for which the implementation date is September 30, 2001 or later.)

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

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Joint Study Order

Joint Study Committee to Study Growth Management

Representative KOFFMAN for the **Joint Study Committee to Study Growth Management** pursuant to Joint Study Order 2001, H.P. 1330 asks leave to report that the accompanying Bill "An Act to Authorize the Transfer of Development Rights"

(H.P. 1546) (L.D. 2049)

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

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

Sent for concurrence.

Pursuant to Statute

Department of Human Services

Representative KANE for the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072, subsection 2 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1547) (L.D. 2050)

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

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

Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Give the Maine Technical College System Limited Revenue Bonding Authority"

(H.P. 1362) (L.D. 1819)

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot
MILLS of Somerset

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

NASS of Acton

READ.

Representative BERRY of Livermore moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 464

YEA - Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Honey, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Bowles, Chase, Clough, Cressey, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, MacDougall, McKenney, Michael, Murphy T, Nass, Perkins, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse.

ABSENT - Bagley, Baker, Bunker, Estes, Hawes, Koffman, Labrecque, Landry, Lovett, McGlocklin, McNeil, Norbert, Norton, Nutting, O'Brien JA, Twomey.

Yes, 104; No, 31; Absent, 16; Excused, 0.

104 having voted in the affirmative and 31 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 738)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, January 8, 2002, at 9:00 in the morning and the Senate Adjourns until Tuesday, January 8, 2002, at 10:00 in the morning.

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

SENATE PAPERS

Bill "An Act to Authorize the Yarmouth School Department to use the Construction-Manager-at-Risk Method of Construction Delivery for Locally Funded School Projects" (EMERGENCY)

(S.P. 737) (L.D. 2048)

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.

**Pursuant to Statute
Maine Turnpike Authority**

Report of the **Maine Turnpike Authority** pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asks leave to report that the accompanying Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2003"

(S.P. 736) (L.D. 2047)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

On motion of Representative SHIELDS of Auburn, the House adjourned at 12:34 p.m., until 9:00 a.m., Tuesday, January 8, 2002 pursuant to the Joint Order (S.P. 738).