

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
December 6, 2000 to May 23, 2001

Pages 1 - 911

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

In Senate Chamber
Thursday
February 1, 2001

Senate called to order by President Michael H. Michaud of Penobscot County.

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

DEACON LACHANCE: Let us pray. Lord God, creator of all, as we come before You today we ask Your presence and guidance on all of us so that we may best serve those that we represent throughout the State of Maine. We ask that You may be a part of all that we say and do today. We pray that we take the time to listen wisely and carefully to all sides of the issues that we face, always keeping in mind those that need help the most within our midst. We pray, too, that we will always take the time to hear each other carefully and to reflect carefully before we speak, respond, or decide. We ask Your blessing on all of us and on all of those who come into these chambers so that we may work in a manner of collaboration, of resolution, and of professionalism, knowing that everything we do is for the betterment of all that You have created. We ask all of this in Your name, Lord God. Amen.

Doctor of the day, A. Jan Berlin, M.D., South Freeport.

Reading of the Journal of Tuesday, January 30, 2001.

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Joint Order: S.P. 138

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 6, 2001, at 9:00 in the morning and the Senate Adjourns until Tuesday, February 6, 2001, at 10:00 in the morning.

READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Off Record Remarks

The Chair noted the absence of the Senator from Penobscot, Senator **CATHCART**, and the Senator from Penobscot, Senator **MITCHELL**, and further excused the same Senators from today's Roll Call votes.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

H.P. 119 L.D. 123

In House, January 18, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

In Senate, January 25, 2001, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

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

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Reinstate Emergency Assistance for Dependents of Veterans"

S.P. 60 L.D. 224

In Senate, January 23, 2001, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

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

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

House Papers

Bill "An Act to Clarify the Training Requirements for Forest Rangers"

H.P. 273 L.D. 351

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

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

Bill "An Act to Permit Foster Parents to Purchase Group Health Insurance"

H.P. 275 L.D. 353

Bill "An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass"

H.P. 276 L.D. 354

Bill "An Act to Ensure Parity in the Sale of Securities by Maine Financial Institutions"

H.P. 297 L.D. 375

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

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence.

Bill "An Act to Require Bonding of Building Contractors"

H.P. 261 L.D. 310

Bill "An Act to Require that Professors of Social Work Be Licensed at the Master Social Worker or the Clinical Social Worker Level"

H.P. 282 L.D. 360

Bill "An Act to Openly Display Components of the Price of a Gallon of Gasoline at Filling Stations"

H.P. 290 L.D. 368

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

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property"

H.P. 264 L.D. 313

Bill "An Act Concerning the Transportation of Juvenile Offenders"

H.P. 271 L.D. 349

Bill "An Act to Amend the Laws Governing Bail"

H.P. 307 L.D. 385

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

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

Bill "An Act to Support Requests for Jobs for Maine's Graduates Programs in Maine Communities"

H.P. 289 L.D. 367

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

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

Sent down for concurrence.

Bill "An Act to Encourage Smoke-free Hospitals in Maine"

H.P. 293 L.D. 371

Bill "An Act to Limit Smoking by Foster Parents" (EMERGENCY)

H.P. 305 L.D. 383

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness"

H.P. 292 L.D. 370

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

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

Bill "An Act to Appropriate Funds for the State's Share of the Budget to Operate the Northeast Legislative Association on Prescription Drug Pricing"

H.P. 309 L.D. 387

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act to Amend Certain Provisions of Maine's Wild Turkey Hunting Season"

H.P. 269 L.D. 347

Bill "An Act to Clarify the Laws Pertaining to Licensing Requirements for Landowners"

H.P. 270 L.D. 348

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

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act to Clarify Arrest Powers under Certain Bench Warrants"

H.P. 258 L.D. 307

Bill "An Act Regarding Statute of Limitations for Attorneys"

H.P. 260 L.D. 309

Bill "An Act to Clarify the Law Regarding Name Changes"

H.P. 285 L.D. 363

Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation

H.P. 286 L.D. 364

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

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

Bill "An Act to Adjust the Unemployment Compensation Fund Cap"

H.P. 278 L.D. 356

Bill "An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers"

H.P. 295 L.D. 373

Bill "An Act to Restore an Injured Employee's Right to Sue an Employer for Damages"

H.P. 302 L.D. 380

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

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

Bill "An Act to Amend Disclosure Reporting Requirements"

H.P. 310 L.D. 388

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

Resolve, to Regulate the Harvesting of Horseshoe Crabs

H.P. 259 L.D. 308

Bill "An Act to Extend the Repeal of the Lobster Trap Tag Freeze"

H.P. 266 L.D. 344

Bill "An Act to Amend the Definition of Shellfish to Include Whole Scallops"

H.P. 267 L.D. 345

Bill "An Act to Ban Dragging in Salt Pond Located in the Towns of Blue Hill, Brooklin and Sedgwick"

H.P. 277 L.D. 355

Bill "An Act to Revise Maine Laws Governing Aquaculture"

H.P. 288 L.D. 366

Bill "An Act to Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation" (EMERGENCY)

H.P. 301 L.D. 379

Bill "An Act to Reauthorize and Expand the Lobster Promotion Council"

H.P. 304 L.D. 382

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

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

Bill "An Act to Protect Maine Jobs and Natural Resources"

H.P. 296 L.D. 374

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

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

Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor

H.P. 265 L.D. 343

Bill "An Act to Prohibit Personal Use of State Vehicles by State Employees"

H.P. 274 L.D. 352

Bill "An Act to Designate April 15th as Small Business Day"

H.P. 291 L.D. 369

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Election of the Secretary of State
H.P. 303 L.D. 381

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit a Person Employed Full-time in the Judicial or Executive Branch of the State from Serving in the Legislature
H.P. 311 L.D. 389

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee
H.P. 280 L.D. 358

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

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

Bill "An Act to Provide Tax Credits against the Maine State Income Tax for Qualifying Education Expenses of Dependent Children in Grades Kindergarten to 12"
H.P. 262 L.D. 311

Bill "An Act to Exempt Recipients of the Silver Star from the State Income Tax"
H.P. 272 L.D. 350

Bill "An Act to Eliminate the Sales Tax on Shipping Charges on Home Party Sales"
H.P. 281 L.D. 359

Bill "An Act to Increase the Forest Management Planning Income Tax Credit"
H.P. 306 L.D. 384

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

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

Bill "An Act to Authorize a Registered Maine Guide Registration Plate"
H.P. 257 L.D. 306

Bill "An Act to Modernize the Laws Regarding Bicycle Safety"
H.P. 263 L.D. 312

Bill "An Act to Exempt Current Property Owners from Fees for Existing Rights-of-Way Across Train Lines"
H.P. 284 L.D. 362

Bill "An Act to Consolidate Forms Used in the Course of Automobile Sales"
H.P. 299 L.D. 377

Bill "An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge"
H.P. 300 L.D. 378

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

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

Bill "An Act to Protect the State's Heating Oil Consumers"
H.P. 279 L.D. 357

Bill "An Act Regarding the Use of Revenues Collected by the Public Utilities Commission" (EMERGENCY)
H.P. 308 L.D. 386

Bill "An Act to Require Telephone Utility Participation in Enhanced 9-1-1"
H.P. 312 L.D. 390

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

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

**Pursuant to Joint Order
Joint Select Committee to Study the Creation of a
Public/Private Purchasing
Alliance to Ensure Access to Health Care for all Maine
Citizens**

The Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine pursuant to Joint Order 1999, H.P. 1857 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens"
H.P. 315 L.D. 392

Be **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed pursuant to Joint Rule 218.

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 29

**STATE OF MAINE
120TH LEGISLATURE**

January 8, 2001

Daniel E. Wathen, Chief Justice
Administrative Office of the Courts
at the Maine Judicial Center
163 State House Station
65 Stone Street
Augusta, Maine 04333-0163

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 120th Maine Legislature on Tuesday, February 6, 2001 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 30

**STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE 04330**

January 11, 2001

Hon. Michael H. Michaud
President of the Senate
Room 328
State House
Augusta, ME 04333

Hon. Michael V. Saxl
Speaker of the House
Room 300
State House
Augusta, ME 04333

Dear President Michaud and Speaker Saxl:

I am pleased to accept your invitation to address the Joint Session of the 120th Maine Legislature on February 6 at 11:00 a.m. I appreciate your willingness to afford me this valuable opportunity to speak to the entire Legislature concerning the third branch of government. This event represents an unparalleled opportunity for improving the quality of justice for Maine's citizens.

I look forward to seeing you on the 6th.

Sincerely yours,

S/Daniel E. Wathen
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 31

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 26, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under P.L. 1999, Chapter 779, Subsection 1670, I am pleased to re-appoint Senator Sharon Anglin Treat of Kennebec to Mercury Products Advisory Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 32

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 26, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under P.L. 1999, Chapter 779, Subsection 1670, I am pleased to appoint Senator John L. Martin of Aroostook to Mercury Products Advisory Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 33

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 29, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 38, M.R.S.A., Section 1453-A, I am pleased to appoint Senator W. Tom Sawyer of Penobscot County to the Advisory Commission on Radioactive Waste and Decommissioning.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 34

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 29, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 38, M.R.S.A., Section 1453-A, I am pleased to re-appoint Senator Sharon Anglin Treat of Kennebec County to the Advisory Commission on Radioactive Waste and Decommissioning.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 35

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 29, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 38, M.R.S.A., Section 1453-A, I am pleased to re-appoint Senator Norman Ferguson of Oxford County to the Advisory Commission on Radioactive Waste and Decommissioning.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 36

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 29, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under 4 M.R.S.A. § 421, I am pleased to appoint Senator Michael McAlevee of York County to serve on the Juvenile Drug Treatment Court Steering Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

S.P. 132 L.D. 456

Sponsored by President MICHAUD of Penobscot. Cosponsored by Speaker SAXL of Portland and Senator: DAVIS of Piscataquis, Representatives: BERRY of Livermore, ETNIER of Harpswell, FISHER of Brewer, MAILHOT of Lewiston, MITCHELL of Vassalboro, MURPHY of Kennebunk, STANLEY of Medway.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Provide Health Insurance Coverage for General Anesthesia and Associated Facility Charges for Dental Procedures for Certain Vulnerable Persons"

S.P. 127 L.D. 403

Sponsored by Senator ABROMSON of Cumberland. Cosponsored by Representative SCHNEIDER of Durham and Senators: MITCHELL of Penobscot, SAWYER of Penobscot, Representatives: MAYO of Bath, SULLIVAN of Biddeford.

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Increase Reimbursement Rates for Maine's Bottle Redemption Businesses"

S.P. 131 L.D. 455

Sponsored by Senator LONGLEY of Waldo. Cosponsored by Senators: DAGGETT of Kennebec, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, TREAT of Kennebec, Representative: MAYO of Bath.

Bill "An Act to Amend the Laws Governing the Board of Licensing of Auctioneers"

S.P. 134 L.D. 458

Sponsored by Senator DAVIS of Piscataquis. Cosponsored by Representative WATERHOUSE of Bridgton and Representatives: CARR of Lincoln, CLARK of Millinocket, KASPRZAK of Newport, MAYO of Bath, McGLOCKLIN of Embden, STEDMAN of Hartland, USHER of Westbrook, WINSOR of Norway.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Require a License to Sell Firearms"

S.P. 141 L.D. 464

Sponsored by Senator DOUGLASS of Androscoggin. Cosponsored by Representative SULLIVAN of Biddeford and Senator: TREAT of Kennebec, Representatives: BULL of Freeport, DAVIS of Falmouth, DUDLEY of Portland, ETNIER of Harpswell, O'NEIL of Saco, Speaker SAXL of Portland.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Account for Homeschooled Children Under the School Funding Formula and to Require the Maine Educational Assessment for Homeschooled Children"

S.P. 129 L.D. 405

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act to Clarify the Substance Abuse Law"
S.P. 139 L.D. 462

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative DAIGLE of Arundel and
Senator: YOUNGBLOOD of Penobscot, Representatives:
LAVERRIERE-BOUCHER of Biddeford, BROOKS of Winterport,
DUDLEY of Portland, DUGAY of Cherryfield, FULLER of
Manchester, LOVETT of Scarborough.
Submitted by the Department of Mental Health, Mental
Retardation and Substance Abuse Services pursuant to Joint
Rule 204.

Resolve, to Provide Medicaid Reimbursement for Service Dogs
and Companion Animals
S.P. 142 L.D. 465

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative O'NEIL of Saco.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Expand the Authority of Maine Prosecutors to
Coordinate the Prosecution of Drug Cases"
S.P. 135 L.D. 459

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative WINSOR of Norway and
Senator: McALEVEY of York, Representatives: KASPRZAK of
Newport, LESSARD of Topsham, PERKINS of Penobscot,
TRACY of Rome, WATERHOUSE of Bridgton.

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Governing Wage and Benefit
Records Kept by Contractors Working on Public Works Projects"
S.P. 137 L.D. 461

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Senator: CATHCART of Penobscot,
Representatives: HUTTON of Bowdoinham, MATTHEWS of
Winslow, NORTON of Bangor.

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

Sent down for concurrence.

Bill "An Act to Prohibit the Sale of Liquor by Retail Licensees for
Less than the Actual Price Paid"

S.P. 125 L.D. 401

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative CHIZMAR of Lisbon and
Representatives: COTE of Lewiston, HEIDRICH of Oxford,
LABRECQUE of Gorham.
Submitted by the Department of Public Safety pursuant to Joint
Rule 204.

Bill "An Act to Clean Up Maine's Clean Election Law"
S.P. 130 L.D. 454

Sponsored by Senator LONGLEY of Waldo.

Bill "An Act to Promote Fairness and Equity in Liquor Prices"
S.P. 136 L.D. 460

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Representative MAYO of Bath and Senator:
BROMLEY of Cumberland, Representatives: BUCK of Yarmouth,
BULL of Freeport, LABRECQUE of Gorham, RICHARDSON of
Brunswick.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Remove the Time Limit on Applying for Refunds of
Tax Stamps on Unsalable Cigarettes"
S.P. 126 L.D. 402

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Promote Equity Among Health Care Clinics"
S.P. 128 L.D. 404

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Representative MAYO of Bath and Senators:
MITCHELL of Penobscot, SHOREY of Washington,
Representatives: O'NEIL of Saco, Speaker SAXL of Portland,
SCHNEIDER of Durham.

Bill "An Act to Clarify that the Sales Tax Exemption for Purchase
of Manufacturing Equipment Applies Equitably"
S.P. 133 L.D. 457

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Representative GREEN of Monmouth and
President Pro Tem BENNETT of Oxford, Senators: DAGGETT of
Kennebec, LEMONT of York, Representatives: MURPHY of
Berwick, NASS of Acton, SCHNEIDER of Durham, STANLEY of
Medway, TESSIER of Fairfield.

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

Sent down for concurrence.

Bill "An Act to Authorize the Department of Transportation to Locate and Construct Railroad Lines"

S.P. 140 L.D. 463

Sponsored by Senator SAVAGE of Knox.
Cosponsored by Representative FISHER of Brewer.
Submitted by the Department of Transportation pursuant to Joint Rule 204.

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/25/01) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions

H.P. 50 L.D. 59

Tabled - January 25, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by same Senator to **RECEDE**

(In Senate, January 16, 2001, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.)

(In House, January 18, 2001, that Body **ADHERED** to **REFERENCE** to the Committee on **LEGAL AND VETERANS**.)

(In Senate, January 25, 2001, motion to **RECEDE** and **CONCUR**, **FAILED**. Subsequently, President Pro Tem **BENNETT** of Oxford moved to **RECEDE**.)

President Pro Tem **BENNETT** of Oxford requested and received leave of the Senate to withdraw his motion to **RECEDE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **FAILED** to **RECEDE** and **CONCUR**.

The Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (1/25/01) Assigned matter:

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Restrict Reintroduction of Previously Failed Citizen Initiatives

H.P. 188 L.D. 199

Tabled - January 25, 2001, by Senator **TREAT** of Kennebec

Pending - motion by President Pro Tem **BENNETT** of Oxford to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**

(In House, January 18, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

President Pro Tem **BENNETT** of Oxford requested and received leave of the Senate to withdraw his motion to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Later (1/30/01) Assigned matter:

Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to Prepare a Recodification of the Inland Fisheries and Wildlife Laws

S.P. 88 L.D. 315

Tabled - January 30, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/30/01) Assigned matter:

HOUSE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)

H.P. 227 L.D. 262

Report - Ought to Pass As Amended by Committee Amendment "A" (H-7)

Tabled - January 30, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, January 25, 2001, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-7).**)

(In Senate, January 30, 2001, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-7) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-7)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

Off Record Remarks

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Under Orders of the Day, on motion by Senator **LONGLEY** of Waldo, the following Joint Order: S.P. 143

ORDERED, the House concurring, that the Joint Select Committee on Youth at Risk is established as follows.

1. Establishment. The Joint Select Committee on Youth at Risk, referred to in this section as the "committee," is established.

For purposes of this order, "youth at risk" is defined as:

A. Youth who are without proper care or subsistence, education, a home or medical or other care necessary for well-being or who are in need of mental health services;

B. Youth who are without or beyond the control of their parents or legal guardians;

C. Youth who are in foster care;

D. Youth who are in imminent danger of serious physical, mental or emotional injury; or

E. Youth who are at risk of prosecution for a juvenile offense.

2. Membership. The committee consists of 3 members from the Senate appointed by the President of the Senate and 10 members of the House of Representatives appointed by the Speaker of the House. The members must include at least one Senate member and 2 House members from each of the following joint standing committees: the Joint Standing Committee on Criminal Justice, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The first named Senate member is the Senate chair and the first named House member is the House of Representative's chair.

3. Responsibilities. The committee has the following responsibilities:

A. To review legislation referred to it by the Legislature concurrently with the joint standing committee having jurisdiction over the policy area and, with the approval of the President of the Senate and the Speaker of the House, to report out legislation related to youth at risk;

B. To analyze the causes contributing to youth at risk and to develop and propose measures to eliminate or reduce the causes contributing to youth at risk; and

C. To perform other tasks that may be assigned to it by the Legislature or by the President of the Senate and the Speaker of the House jointly, including issuing reports to the Legislature on policy issues related to youth at risk.

4. Meetings; staffing. The committee may meet once per week, on a day determined by the President of the Senate and the Speaker of the House, as necessary to complete its work. The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review shall provide staff assistance to the committee. Clerical assistance must be provided by the Legislative Information Office.

5. Reimbursement. Members of the committee are entitled to per diem and reimbursement of expenses in the same manner as members of joint standing committees.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President. Very quickly everyone. As you just heard, this is a Joint Order to create a Children At Risk Select Committee. Basically, it's a way of acknowledging that there are kids in Maine who are falling through the cracks and somehow we've got to get our focus on the fact that there are kids who might be a DHS kid who then stumbles into the Department of Education because of developmental delays. The next thing you know, there is Department of Mental Health issues and before we know it, this child, who we've neglected, is a juvenile falling into the Department of Corrections. This is a simple attempt to focus a chosen few of us on the matter of children who have fallen through the cracks, who become our youths at risk. As we learned from the Maine Kids Count yesterday, for the most part Maine's kids are doing really well. But there are pockets and areas where that's not the case at all. So that's the jest of the motion. I request a call of the roll. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#3)

YEAS: Senators: BROMLEY, DAGGETT, DOUGLASS, EDMONDS, GAGNON, KILKELLY, LONGLEY, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, LEMONT, MCALEVEY, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senators: MARTIN, MILLS, NUTTING, O'GARA

EXCUSED: Senators: CATHCART, MITCHELL

12 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent and 2 Senators being excused, **FAILED.**

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

Bill "An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness"

H.P. 292 L.D. 370

Tabled - February 2, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(In House, January 30, 2001, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/30/01) Assigned matter:

Bill "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

H.P. 248 L.D. 284

Tabled - January 30, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

(In House, January 25, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**)

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001

H.P. 227 L.D. 262
(C "A" H-7)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

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

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

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

On motion by Senator **DAVIS** of Piscataquis, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 6, 2001, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Edward L. Dexter of Kingfield.