

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 15, 2001

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

Prayer by Chaplain Scott Dow of Augusta, Maine.

CHAPLAIN DOW: Let us be in the spirit of prayer. Just and merciful God, today we meet as a body to deliberate the concerns of the citizens of Maine. We ask to be aware of Your presence and influence in our individual minds and hearts and in the interactions between us and in our collective service to the people who depend on us to legislate wisely. Some of our actions may effect the future well-being of all the people of our state. Some may touch only a few individuals. Some of our decisions may effect the world around us. Others will touch the innermost beings of Maine people. Help us to serve each concern with appropriate care. Together we commit ourselves to offer the best that we are to the awesome responsibilities entrusted to us. We commit ourselves to trust the wisdom You give us above the influences of politics, above the influences of lobbyists, and above the influences from the media. We commit ourselves to speak and vote upholding our highest ideals. We are grateful for this opportunity. Amen.

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

Reading of the Journal of Tuesday, February 13, 2001.

Off Record Remarks

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

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Joint Order: S.P. 257

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, February 20, 2001, at 10:00 in the morning.

READ and PASSED.

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

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Senate Order: S.O. 15

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of the two branches of the Legislature to be held in the Hall of the House, at 11:00 in the morning for the purpose of extending to the Honorable Terrance MacTaggart, Chancellor of the University of Maine, and the Honorable John Fitzsimmons, President of the Maine Technical College System, an invitation to attend the Convention and make such communication as pleases them.

READ and PASSED.

The Chair appointed President Pro Tem **BENNETT** of Oxford to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the President Pro Tem to the House of Representatives.

Subsequently, President Pro Tem **BENNETT** of Oxford reported that he had delivered the message with which he was charged.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998"

S.P. 183 L.D. 611

In Senate, February 8, 2001, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Comes from the House, **REFERRED** to the Committees on **HEALTH AND HUMAN SERVICES** and **CRIMINAL JUSTICE** and ordered printed, in **NON-CONCURRENCE**.

On motion by Senator **MCALLEVEY** of York, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

JOINT ORDER - relative to Establishing the Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families

H.P. 462

In House, February 6, 2001, **READ and REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

In Senate, February 8, 2001, **READ** and **FAILED PASSAGE**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

House Papers

Bill "An Act to Require That Wolf Hybrids be Tattooed and to Establish Penalties for Releasing Wolf Hybrids from Captivity"
H.P. 584 L.D. 739

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 Create a Farmland and Open Space for the Community Board"
H.P. 598 L.D. 753

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

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

Sent down for concurrence.

Bill "An Act to Allow for Fair Competition among Maine's Tracks"
H.P. 541 L.D. 696

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

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

Bill "An Act to Fund the Pulp and Paper Technology Program at Kennebec Valley Technical College"
H.P. 539 L.D. 694

Bill "An Act to Maintain Maine Quality Centers' Current Level of Services" (EMERGENCY)
H.P. 570 L.D. 725

Bill "An Act to Assist Maine Licensing Agents in Modernization of Technology"
H.P. 575 L.D. 730

Bill "An Act to Create the Infrastructure Trust Fund"
H.P. 582 L.D. 737

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

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

Bill "An Act to Eliminate the Requirement that Workers' Compensation Insurers Disclose Certain Cost Breakdowns When Issuing Workers' Compensation Policies"
H.P. 533 L.D. 688

Bill "An Act to Clarify the Medical Payments Subrogation Statute"
H.P. 571 L.D. 726

Resolve, to Establish a Task Force to Study the Progress in Implementing a Single Claims Processing System
H.P. 572 L.D. 727

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 Improve End-of-life Care in the State"
H.P. 617 L.D. 802

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

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

Bill "An Act to Allow a Mortgagor to Select a Land Title Company to Perform the Title Search"
H.P. 489 L.D. 629

Committee on **BANKING AND INSURANCE** suggested and ordered printed.

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

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 15, 2001

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

Bill "An Act to Require the Adoption of the 2000 International Plumbing Code"
H.P. 527 L.D. 682

Bill "An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State"
H.P. 532 L.D. 687

Bill "An Act Regarding Minimum Prices for Cigarettes"
H.P. 537 L.D. 692

Bill "An Act to Build Parking Garages in Service Center Municipalities"
H.P. 546 L.D. 701

Resolve, to Explore the Feasibility of Establishing a Dental Residency Program
H.P. 552 L.D. 707

Bill "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"
H.P. 603 L.D. 758

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 to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers" (EMERGENCY)
H.P. 522 L.D. 677

Bill "An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States"
H.P. 526 L.D. 681

Bill "An Act to Amend the Physical Force Justification Laws"
H.P. 545 L.D. 700

Bill "An Act to Prohibit Cyberstalking"
H.P. 594 L.D. 749

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.

Resolve, to Study the Special Education Teacher Shortage
H.P. 535 L.D. 690

Bill "An Act to Change the Truancy Laws"
H.P. 560 L.D. 715

Bill "An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000"
H.P. 565 L.D. 720

Bill "An Act to Require Gun Safety Education"
H.P. 576 L.D. 731

Bill "An Act to Encourage Maine's Best and Brightest Students to Continue their Education in the State of Maine"
H.P. 577 L.D. 732

Resolve, to Promote Ethnic Diversity and Maine's French Heritage
H.P. 595 L.D. 750

Bill "An Act to Establish a 4-year Vocational Education Program"
H.P. 599 L.D. 754

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

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

Bill "An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers"
H.P. 540 L.D. 695

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

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

Sent down for concurrence.

Bill "An Act to Improve Child Development Services"
H.P. 611 L.D. 766

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

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

Bill "An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers"
H.P. 328 L.D. 418

Bill "An Act to Expand Access to Health Care for Adults"
H.P. 524 L.D. 679

Resolve, Directing the Bureau of Health to Develop a Comprehensive Plan for the Detection and Treatment of Hepatitis C

H.P. 531 L.D. 686

Bill "An Act to Require Newborn Screening for Metabolic Abnormalities and Genetic or Biochemical Disorders"

H.P. 534 L.D. 689

Bill "An Act to Require that a Residential Facility for the Elderly Have an Automatic Door at the Main Entrance"

H.P. 548 L.D. 703

Bill "An Act to Convert Hospital Administrative District No. 1 to a Nonprofit, Nonstock Private Corporation"

H.P. 561 L.D. 716

Bill "An Act to Provide Relief for Patients with Chronic Pain"

H.P. 585 L.D. 740

Bill "An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services"

H.P. 601 L.D. 756

Bill "An Act to Establish an Ombudsman for the Department of Human Services"

H.P. 609 L.D. 764

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 Allow Godparents as Intervenors in Child Custody Cases with the Department of Human Services"

H.P. 528 L.D. 683

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

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

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

At this point a message was received from the House of Representatives, borne by Representative COLWELL of Gardiner informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Terrence Mac Taggart, Chancellor of the University of Maine System, and the Honorable John Fitzsimmons, President of the Maine Technical College System, an invitation to attend the Convention and make such communications as pleases them.

Bill "An Act to Require the Audio Recording of Interviews of Children by the Department of Human Services"

H.P. 590 L.D. 745

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

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

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

Resolve, to Establish Rules for On-line Sales of Hunting and Fishing Licenses and Watercraft, Snowmobile and All-terrain Vehicle Registrations

H.P. 520 L.D. 675

Bill "An Act to Prohibit the Sale of Bear and Bear Parts"

H.P. 547 L.D. 702

Bill "An Act to Discontinue Complimentary Licenses to Hunt and Fish for Residents over 70 Years of Age"

H.P. 579 L.D. 734

Bill "An Act to Allow October Fishing"

H.P. 580 L.D. 735

Bill "An Act to Require State Approval Prior to Introducing Wolves into Maine"

H.P. 581 L.D. 736

Bill "An Act to Provide Fishing Access Signs"

H.P. 587 L.D. 742

Bill "An Act to Amend the Laws Regarding Bear Baiting"

H.P. 605 L.D. 760

Bill "An Act Pertaining to Bear Hunting Permits"

H.P. 606 L.D. 761

Bill "An Act to Amend the Authority of the Commissioner of Inland Fisheries and Wildlife to Authorize Any-deer Hunting"

H.P. 614 L.D. 799

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 Require Courts to Take Federal Disability Payments into Account when Determining Child Support Awards"

H.P. 529 L.D. 684

Bill "An Act to Prohibit Discrimination"

H.P. 543 L.D. 698

Bill "An Act Regarding Ancient Execution Liens"
H.P. 554 L.D. 709

Bill "An Act to Implement the Recommendations of the Courts'
Guardian ad Litem Committee"
H.P. 569 L.D. 724

Bill "An Act to Amend the Maine Tort Claims Act"
H.P. 596 L.D. 751

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

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

Resolve, Establishing a Panel for Repeal of Unnecessary or
Archaic Laws
H.P. 566 L.D. 721

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

On motion by Senator **PENDLETON** of Cumberland,
REFERRED to the Committee on **STATE AND LOCAL
GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Allow Unemployment Recipients to Declare
Estimated Income for Part-time Work"
H.P. 536 L.D. 691

Bill "An Act to Increase the State's Share of Retired Teacher
Health Insurance"
H.P. 550 L.D. 705

Resolve, Requiring the Department of Labor, Bureau of Labor
Standards to List its Mailing Address and Telephone Number on
the Card Used to File for Unemployment
H.P. 551 L.D. 706

Bill "An Act to Require the Spouse of a Member of the Maine
State Retirement System to Receive the Member's Death
Benefits"
H.P. 573 L.D. 728

Bill "An Act to Ensure That State Employees Receiving Workers'
Compensation and Filling a Limited Period Position Remain in
Their Respective Bargaining Units"
H.P. 592 L.D. 747

Bill "An Act to Lower the Early Withdrawal Penalty on Teacher
Retirement to 2 1/2 Percent"
H.P. 593 L.D. 748

Bill "An Act to Amend the Maine Workers' Compensation Act of
1992 as it Relates to Medical Payment Coverage"
H.P. 602 L.D. 757

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 the Laws Governing Presidential
Primaries"
H.P. 574 L.D. 729

Bill "An Act to Clarify Referendum Wording"
H.P. 600 L.D. 755

Bill "An Act to Refine the Maine Clean Election Act"
H.P. 608 L.D. 763

Come 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.

Bill "An Act Relating to Research Activities of the Commissioner
of Marine Resources"
H.P. 521 L.D. 676

Comes 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 Establish the Rivers and Streams Restoration
Fund"
H.P. 549 L.D. 704

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.

Bill "An Act to Authorize a Legislative Technical Advisory Office
to Benefit from the Experience of Retired Scientific and Technical
Experts"
H.P. 559 L.D. 714

Comes 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.

Bill "An Act to Amend the Laws Governing the Kennebec County Advisory Budget Committee"

H.P. 615 L.D. 800

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 Amend the Tax Assessed Against Certain Casual Sales"

H.P. 515 L.D. 654

Bill "An Act to Exempt Individuals Who are 65 Years of Age or Older and Meet Income Requirements from Increases in Property Taxes"

H.P. 518 L.D. 657

Bill "An Act to Change the Ad Valorem Tax on Certain Smokeless Tobacco Products to a Weight-based Tax"

H.P. 519 L.D. 674

Bill "An Act to Reduce Property Taxes"

H.P. 538 L.D. 693

Resolve, Decreasing the Gasoline Tax by 10 Cents Per Gallon (EMERGENCY)

H.P. 542 L.D. 697

Bill "An Act to Authorize Towns to Give Tax Breaks to Volunteer Firefighters"

H.P. 555 L.D. 710

Bill "An Act to Permit a Sales Tax Trade-in Credit for Leased or Rented Vehicles"

H.P. 556 L.D. 711

Bill "An Act to Preserve Maine's Income Tax Revenues"

H.P. 558 L.D. 713

Bill "An Act to Index the Income Tax Deduction for Pensions to the Rate of Inflation"

H.P. 562 L.D. 717

Bill "An Act to Increase the Income Tax Deduction on Private, Public and Military Pensions from \$6,000 to \$10,000"

H.P. 564 L.D. 719

Bill "An Act to Strengthen the Maine Taxpayer Bill of Rights"

H.P. 567 L.D. 722

Bill "An Act to Establish a Flat Tax Rate for the Maine Income Tax"

H.P. 568 L.D. 723

Resolve, Directing the Bureau of Revenue Services to Relocate the Chickadee Checkoff on the Maine Income Tax Form

H.P. 583 L.D. 738

Bill "An Act to Exempt Certain Temporary Placement and Adoption Services Organizations from the Sales Tax"

H.P. 591 L.D. 746

Bill "An Act to Exempt Purple Heart Recipients from State Income Tax"

H.P. 607 L.D. 762

Bill "An Act to Establish a Municipal Reimbursement Formula for Current Use Taxation Programs"

H.P. 610 L.D. 765

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 Require a Continuing Review of Regional Transportation Problems in Northern York County and Southern Cumberland County"

H.P. 517 L.D. 656

Bill "An Act to Establish a Maine Lobster Specialty Plate"

H.P. 523 L.D. 678

Bill "An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed"

H.P. 530 L.D. 685

Bill "An Act to Allow Access to Highways for Certain Purposes"

H.P. 544 L.D. 699

Bill "An Act Concerning Commercial Driver License Certification"

H.P. 553 L.D. 708

Bill "An Act to Exempt Organized Veterans Groups from Motor Vehicle Registration of Ceremonial Vehicles"

H.P. 557 L.D. 712

Bill "An Act Concerning Disability Registration Plates and Placards"

H.P. 563 L.D. 718

Bill "An Act to Enhance the Revenue for Nongame Species from the Proceeds of Environmental Registration Plate Sales"

H.P. 578 L.D. 733

Bill "An Act to Authorize Citizen-issued Citations for Violations of the Handicapped Parking Laws"

H.P. 588 L.D. 743

Bill "An Act to Allow Private Maintenance of Public Easements"

H.P. 589 L.D. 744

Bill "An Act to Create an Education License Plate"

H.P. 604 L.D. 759

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 Mitigate Volatile Energy Costs"
H.P. 586 L.D. 741

Comes 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.

Joint Orders

The following Joint Order: H.P. 612

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill implementing the recommendations of the Maine Land Use Regulation Commission and municipalities regarding surface water uses.

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

READ.

On motion by Senator **CARPENTER** of York, **TABLED 1** Legislative Day, pending **PASSAGE**, in concurrence.

The following Joint Order: H.P. 613

ORDERED, the Senate concurring, that the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall jointly prepare a bill for submission to the Joint Standing Committee on Inland Fisheries and Wildlife to the Second Regular Session of the 120th Legislature that recodifies the Maine Revised Statutes, Title 12, chapters 701 to 721 in accordance with the following.

1. Scope of recodification. In preparing the proposed recodification, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall reorganize the laws contained in the Maine Revised Statutes, Title 12, chapters 701 to 721, eliminate archaic terms and confusing language wherever possible, update cross-references and make other technical changes necessary to improve the readability and accessibility of Title 12, chapters 701 to 721. The recodification is not intended to contain substantive changes to the inland fisheries and wildlife laws.

2. Participation of interested parties. The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall

invite the participation of the following in preparing the proposed recodification:

- A. The Department of Inland Fisheries and Wildlife; and
- B. The District Attorneys' offices.

3. Report. The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall submit the proposed recodification to the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2002.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 254

**STATE OF MAINE
120TH MAINE LEGISLATURE**

February 14, 2001

Hon. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on
State and Local Government
Hon. Martha A. Bagley
House Chair, Joint Standing Committee on
State and Local Government
120th Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Bagley:

Please be advised that Governor Angus S. King, Jr. has nominated Peter G. Cary of Cape Elizabeth for reappointment as a member of the Maine Governmental Facilities Authority.

Pursuant to Title 4, M.R.S.A. §1602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Michael V. Saxe
Speaker of the House

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

The Following Communication: S.P. 253

**STATE OF MAINE
120TH MAINE LEGISLATURE**

February 13, 2001

Hon. Richard Kneeland
Senate Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
Hon. Linda Rogers McKee
House Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
120th Legislature
Augusta, ME 04333

Dear Senator Kneeland and Representative McKee:

Please be advised that Governor Angus S. King, Jr. has nominated Stephen W. Wight of Newry for reappointment as a member of the Land Use Regulation Commission.

Pursuant to Title 12, M.R.S.A. §683, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.
Sincerely,

S/Michael H. Michaud S/Michael V. Saxl
President of the Senate Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 51

**MAINE MILLENNIUM COMMISSION
ON HUNGER & FOOD SECURITY**

January 9, 2001

The Honorable Michael H. Michaud
Senate President
Maine Senate
SHS #3
Augusta, Maine 04333

The Honorable Michael V. Saxl
Speaker of the House
Maine House of Representatives
SHS #2
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

The Maine Millennium Commission on Hunger and Food Security herein submits an interim report to the 120th Maine Legislature concerning its findings and recommendations to date. The Commission is charged by the Legislature to finish its work by the end of 2001.

At this time there are many proposals under consideration by the Commission. However, several proposals offer clear, straightforward and timely actions that will produce valuable results for those who are hungry or at risk of hunger in Maine.

This interim report presents those recommendations at this time and urges swift action to implement them.

The commission has focused, as is required by Resolve, upon those actions that will lead to ending hunger and achieve food security in Maine, not merely alleviating hunger by providing services that fill gaps. As such, much attention has been given to the circumstances and conditions that keep people from being food secure.

However, members are also aware that there is no simple solution and that hunger will not be ended overnight. Emergency aid services are essential and will no doubt be needed for many years to come to deal with emergency situations. Therefore, the recommendations proposed herein include both fundamental and structural changes as well as ways of improving services that are intended to alleviate temporary conditions.

Sincerely,

S/Paul C. Christian
Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 52

**120TH MAINE LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

February 9, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 18 An Act to Allow a Person to Obtain Personal Insurance instead of Per Vehicle Insurance

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III S/Rep. Christopher P. O'Neil
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 53

**120TH MAINE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

February 9, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 16 An Act to Eliminate Fees for the Use of State Parks by Residents of the Municipalities in Which Those Parks Are Located

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard Kneeland
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 54

**120TH MAINE LEGISLATURE
COMMITTEE ON TAXATION**

February 9, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 11 An Act to Exempt Clothing and Wearing Apparel from the State Sales Tax

L.D. 12 An Act to Provide a Tax Credit for Certain Educational Materials used by Homeschoolers

L.D. 32 An Act to Exempt Income Derived from National Guard Service from the State Income Tax

L.D. 36 An Act to Amend the Definition of "Commercial Agricultural Production" in the Laws Governing Taxation

L.D. 53 An Act to Exempt Full-time Military Personnel from the State Income Tax

L.D. 71 An Act to Exempt Qualifying Snowmobile Trail Grooming Equipment From State Sales Tax

L.D. 86 An Act to Exclude Antique Autos from Excise Tax

L.D. 124 An Act to Allow for a Prorated Application of Property Tax Exemptions for Charitable and Benevolent Institutions

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Bonnie Green
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 55

**120TH MAINE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS**

February 6, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 48 An Act to Prohibit a Liquor Licensee from Employing a Manager or Person in Charge if that Person has a Criminal Record

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 56

**120TH MAINE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

February 13, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Goodwin O. Gilman of Newport, for reappointment to the State Harness Racing Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Kneeland of Aroostook, Nutting of Androscoggin
	Representatives	9	Carr of Lincoln, Foster of Gray, Gooley of Farmington, Jodrey of Bethel, Landry of Patten, Lundeen of Mars Hill, McKee of Wayne, Pineau of Jay, Volenik of Brooklin
NAYS		0	
ABSENT		2	Rep. Hawes of Standish, Sen. Kilkelly of Lincoln

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Goodwin O. Gilman of Newport, for reappointment to the State Harness Racing Commission be confirmed.

Signed,

S/Richard Kneeland
Senate Chair

S/Linda Rogers McKee
House Chair

READ and **ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 119th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#4)

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, MARTIN, MCALEVEY, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: DOUGLASS, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY

EXCUSED: Senator: MITCHELL

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 5 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Goodwin O. Gilman** of Newport for reappointment to the State Harness Racing Commission was **CONFIRMED**.

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

SENATE PAPERS

Bill "An Act to Provide Loans for the Construction of Potato Storage Facilities"

S.P. 250 L.D. 882

Sponsored by Senator KNEELAND of Aroostook. Cosponsored by Representatives: BELANGER of Caribou, CARR of Lincoln, DUNCAN of Presque Isle, LUNDEEN of Mars Hill, SHERMAN of Hodgdon, WHEELER of Bridgewater, YOUNG of Limestone.

Bill "An Act to Amend the Laws Pertaining to the Control of Disease in Poultry"

S.P. 259 L.D. 906

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative WESTON of Montville and Senator: KILKELLY of Lincoln, Representatives: CARR of Lincoln, PINEAU of Jay.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act to Amend the Harness Racing Laws to Provide for Staggered Terms"

S.P. 265 L.D. 912

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Representative CHIZMAR of Lisbon and Senators: KILKELLY of Lincoln, SAWYER of Penobscot, Representatives: BLANCHETTE of Bangor, LABRECQUE of Gorham.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law" (EMERGENCY)

S.P. 266 L.D. 913

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Representative GOOLEY of Farmington and Representatives: CARR of Lincoln, JODREY of Bethel, LUNDEEN of Mars Hill, PINEAU of Jay.
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Provide Insurance Parity for Substance Abuse Treatment"

S.P. 244 L.D. 812

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Senator Mitchell of Penobscot, Representatives: BRANNIGAN of Portland, O'BRIEN of Augusta, O'NEIL of Saco.

Bill "An Act to Clarify Discounts to Nonsmokers in the Health Insurance Premium Rates"

S.P. 248 L.D. 816

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative MARRACHE of Waterville and Senators: CATHCART of Penobscot, KILKELLY of Lincoln, MILLS of Somerset, ROTUNDO of Androscoggin, Representatives: BROOKS of Winterport, DUGAY of Cherryfield, McKEE of Wayne, TESSIER of Fairfield.

Bill "An Act to Amend the Maine Insurance Guaranty Association Act"

S.P. 268 L.D. 915

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Representative MAYO of Bath, Senator LaFOUNTAIN of York, Representative RICHARDSON of Brunswick, Representative O'NEIL of Saco.

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

Sent down for concurrence.

Bill "An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales"

S.P. 247 L.D. 815

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative MENDROS of Lewiston and Representatives: CARR of Lincoln, GLYNN of South Portland, SCHNEIDER of Durham, TREADWELL of Carmel.

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

Sent down for concurrence.

Bill "An Act to Amend the Concealed Firearms Laws"

S.P. 238 L.D. 806

Sponsored by Senator McALEVEY of York.
Cosponsored by Representative CRESSEY of Baldwin and Senator: DAVIS of Piscataquis, Representatives: BUNKER of Kossuth Township, DAIGLE of Arundel, TOBIN of Dexter.

Bill "An Act to Protect Maine Children"

S.P. 249 L.D. 817

Sponsored by Senator LONGLEY of Waldo.

Bill "An Act to Prohibit Issuance of a Concealed Firearms Permit to the Subject of a Permanent Protection from Abuse Order"

S.P. 255 L.D. 885

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Senators: BROMLEY of Cumberland, EDMONDS of Cumberland.

Resolve, to Establish Clear Guidelines for Protecting the Safety of Victims of Domestic Violence

S.P. 261 L.D. 908

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representatives: CHIZMAR of Lisbon, LABRECQUE of Gorham.

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

Sent down for concurrence.

Bill "An Act to Retain Engineering Expertise in the State"
S.P. 243 L.D. 811

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Speaker SAXL of Portland and President MICHAUD of Penobscot, Representatives: COWGER of Hallowell, DUNLAP of Old Town, ROSEN of Bucksport, TESSIER of Fairfield, THOMAS of Orono, WINSOR of Norway.

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

Sent down for concurrence.

Bill "An Act to Amend Laws Governing Children's Mental Health Services Regarding the Informal Grievance Process"
S.P. 258 L.D. 905

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Representative KANE of Saco and Representatives: BROOKS of Winterport, FULLER of Manchester, LOVETT of Scarborough, O'BRIEN of Augusta, SHIELDS of Auburn.
Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Provide for Plenary Proceedings in Actions for Forcible Entry and Detainer"
S.P. 239 L.D. 807

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Senators: FERGUSON of Oxford, SAVAGE of Knox.

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

Sent down for concurrence.

Bill "An Act to Transfer Health Insurance Eligibility to the Spouse of a Deceased Teacher"
S.P. 236 L.D. 804

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative CLARK of Millinocket and President Pro Tem BENNETT of Oxford, Senator WOODCOCK of Franklin, Representatives: PEAVEY of Woolwich, POVICH of Ellsworth, SCHNEIDER of Durham, STEDMAN of Hartland, TOBIN of Dexter, WESTON of Montville.

Bill "An Act to Expand the Catch-up Provisions of the Deferred Compensation Plan for State Employees"
S.P. 264 L.D. 911

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative: RINES of Wiscasset.

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

Sent down for concurrence.

Bill "An Act to Increase to Previous Levels the Number of Traps a Holder of Lobster Licenses may Maintain"
S.P. 245 L.D. 813

Sponsored by Senator LEMONT of York.
Cosponsored by Representative: McKENNEY of Cumberland.

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

Sent down for concurrence.

Bill "An Act to Establish a Clean Government Initiative"
S.P. 256 L.D. 886

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and Senators: DAGGETT of Kennebec, GAGNON of Kennebec, NUTTING of Androscoggin, SAWYER of Penobscot, Representatives: DAIGLE of Arundel, GREEN of Monmouth.

Bill "An Act to Address Sludge-spreading Licenses"
S.P. 260 L.D. 907

Sponsored by Senator DOUGLASS of Androscoggin. (BY REQUEST)

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

Sent down for concurrence.

Bill "An Act to Allow a \$5,000 State Income Tax Exemption for Any Full-time, Postsecondary Student With a Taxable Income of \$20,000 or Less"
S.P. 237 L.D. 805

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative WHEELER of Eliot and Senators: ABROMSON of Cumberland, McALEVEY of York, SMALL of Sagadahoc, Representatives: CLARK of Millinocket, LESSARD of Topsham, McKENNEY of Cumberland, SCHNEIDER of Durham, SNOWE-MELLO of Poland.

Bill "An Act to Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax"
S.P. 242 L.D. 810

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative COLWELL of Gardiner and Senators: BROMLEY of Cumberland, DAGGETT of Kennebec, LaFOUNTAIN of York, President MICHAUD of Penobscot, Senator TREAT of Kennebec, Representatives: FULLER of Manchester, GREEN of Monmouth, KANE of Saco.

Bill "An Act to Return a Percentage of Sales and Use Tax to Municipalities"
S.P. 251 L.D. 883

Sponsored by Senator LEMONT of York.
Cosponsored by Representative MENDROS of Lewiston and Representatives: ANDREWS of York, COLLINS of Wells, McGOWAN of Pittsfield, McNEIL of Rockland, PERRY of Bangor.

Bill "An Act to Improve the Circuit Breaker Program Application Process"
S.P. 262 L.D. 909

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative GREEN of Monmouth and Senators: DAGGETT of Kennebec, EDMONDS of Cumberland, LEMONT of York, Representatives: LEMOINE of Old Orchard Beach, TESSIER of Fairfield.

Bill "An Act to Provide Fair Treatment in Taxation of Social Security Retirement Benefits"
S.P. 267 L.D. 914

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Senators DAVIS of Piscataquis, LEMONT of York, FERGUSON of Oxford, Representatives: CARR of Lincoln, TRAHAN of Waldoboro.

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

Sent down for concurrence.

Bill "An Act to Create a Maine Black Bears License Plate"
S.P. 241 L.D. 809

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Representative DUNLAP of Old Town and Senator: NUTTING of Androscoggin, Representatives: BELANGER of Caribou, HONEY of Boothbay, LaVERDIERE of Wilton, MAYO of Bath, NORTON of Bangor, ROSEN of Bucksport, THOMAS of Orono.

Bill "An Act to Promote Safety on the Highways"
S.P. 246 L.D. 814

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative GOODWIN of Pembroke and Senators: CARPENTER of York, DAGGETT of Kennebec, FERGUSON of Oxford, MARTIN of Aroostook, SAVAGE of Knox,

Representatives: BOUFFARD of Lewiston, PEAVEY of Woolwich.

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Governing the Service Territory of Kennebunk Light and Power District"
S.P. 240 L.D. 808

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative MURPHY of Kennebunk and Senators: KILKELLY of Lincoln, LEMONT of York, Representatives: BERRY of Belmont, HALL of Bristol, McGLOCKLIN of Embden, SCHNEIDER of Durham, SULLIVAN of Biddeford.

Bill "An Act to Revise the Charter of the Ogunquit Sewer District"
S.P. 252 L.D. 884

Sponsored by Senator LEMONT of York.
Cosponsored by Representatives: ANDREWS of York, COLLINS of Wells.

Bill "An Act to Provide Opportunity for Affordable House Lot Development"
S.P. 263 L.D. 910

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative TRAHAN of Waldoboro and Senators: FERGUSON of Oxford, MARTIN of Aroostook, NUTTING of Androscoggin, Representatives: GOODWIN of Pembroke, HALL of Bristol, MAYO of Bath, TUTTLE of Sanford, WINSOR of Norway.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Correct a Reference in the Maine Juvenile Code"
H.P. 31 L.D. 5

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Allow Certified Insurance Counselors to Qualify as Risk Managers"

H.P. 71 L.D. 80

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (1/23/01) Assigned matter:

Bill "An Act to Create a Uniform Standard Governing Legislative Leaves of Absence"

H.P. 53 L.D. 62

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, January 9, 2001, **REFERRED** to the Committee on **LABOR** and ordered printed.)

(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**.)

Senator **MARTIN** of Aroostook moved the Senate **INSIST**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate. This bill is an issue that would move to equalize the allowable legislative leave for all members serving in the State Legislature. Right now teachers are able to take an unlimited number of terms on leave and anyone else is permitted one term only. The issue before us today is not to debate the merits of the bill, but simply to decide on referencing. To decide the fate of this bill on a referencing decision seems, to me, to be particularly inappropriate because a number of members of this and the other body may well be advantaged by this. To kill this bill without the benefit of a public debate seems to me inappropriate. I hope you will join me in opposing the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Mr. President and members of the Senate, let me just say that this bill has been around since I can remember. It is certainly not a new issue and it is one which has always raised various numbers of issues. I just think we can save everyone time by dealing with it now. It's not the first time that we've done this and I think that there is no reason for it to continue. I certainly hope that you will vote to Insist.

THE PRESIDENT: The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President and fellow members of the Senate. I believe that this is the first time this bill or idea has been brought before this Senate and this Legislature, so I will respectfully disagree with the Senator from Aroostook, Senator Martin. I think that a dangerous precedence will be established if we decide to kill bills on reference. One of the hallmarks of this body, this Legislature and our whole system here is something that has been around longer than this bill or this idea has been before the legislature, that is the notion that bills get public hearings. For that reason, I will not vote to Insist and in fact will move to Recede and Concur.

President Pro Tem **BENNETT** of Oxford moved the Senate **RECEDE** and **CONCUR**.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Mr. President, members of the Senate, let me just point out that this bill, in fact, was heard by this legislature last year. It was before the legislature during the last session. It was subsequently defeated. It actually has been around a number of years before that. In addition, as a matter of fact, in terms of what we do and not do, just earlier today we voted to Insist on another matter which will kill an item on the calendar.

The Chair ordered a Division. 14 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by President Pro Tem **BENNETT** of Oxford to **RECEDE** and **CONCUR**, **PREVAILED**.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act to Bring the Crime of Refusing to Submit to Arrest or Detention into Conformity with the Maine Criminal Code"

H.P. 525 L.D. 680

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

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

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

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

Senate at Ease.

Senate called to order by the President.

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

Senate at Ease.

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require the Labeling of Certain Genetically Engineered Foods"

H.P. 698 L.D. 902

Bill "An Act to Allow Cultivation of Those Varieties of Ribes That are Certified Resistant or Immune to White Pine Blister Rust" (EMERGENCY)

H.P. 710 L.D. 925

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Revitalize Teacher Certification Support Systems" H.P. 619 L.D. 819

Bill "An Act to Endow the Maintenance of Maine Civil War Monuments at Gettysburg"

H.P. 641 L.D. 841

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 655 L.D. 855

Bill "An Act to Increase the Operating Subsidy to the Casco Bay Island Transit District"

H.P. 674 L.D. 874

Bill "An Act to Provide Adequate Funding for HIV and AIDS Care and Prevention"

H.P. 690 L.D. 894

Bill "An Act to Increase Funding for the Maine Dental Education Loan Program"

H.P. 692 L.D. 896

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles" H.P. 654 L.D. 854

Comes 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Discourage Environmental Terrorism" H.P. 623 L.D. 823

Bill "An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse or Unlawful Sexual Contact" H.P. 627 L.D. 827

Bill "An Act to Amend the Sex Offender Registration and Notification Act of 1999" H.P. 633 L.D. 833

Bill "An Act to Regulate Obscenity" H.P. 652 L.D. 852

Bill "An Act to Criminalize Failure to Complete Contracted and Paid for Work by a Building Contractor" H.P. 661 L.D. 861

Bill "An Act to Amend the Laws Governing Reimbursement of Training Costs for Law Enforcement Officers" H.P. 668 L.D. 868

Resolve, Establishing a Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child H.P. 670 L.D. 870

Bill "An Act Concerning the Cost of Training County Corrections Officers" H.P. 699 L.D. 903

Bill "An Act to Amend the Supervised Community Confinement Law" H.P. 714 L.D. 929

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Allow Senior Citizens to Take One Course per Semester at the University of Maine System without Charge" H.P. 642 L.D. 842

Bill "An Act to Fund Technology Advancements for Maine's Libraries" H.P. 659 L.D. 859

Resolve, Requiring the Department of Audit to Review Procedures, Goals and Actual Expenditures of General Purpose Aid Disbursements through the School Funding Formula H.P. 660 L.D. 860

Bill "An Act to Require Cardiopulmonary Resuscitation Certification Prior to Graduation from High School" H.P. 673 L.D. 873

Bill "An Act to Extend Options for Obtaining a General Educational Diploma" H.P. 678 L.D. 878

Bill "An Act Concerning the Benefits and Privileges of Tuition Students at Receiving Public and Private Schools" H.P. 684 L.D. 888

Bill "An Act to Establish a Mandated Minimum for Teachers' Salaries" H.P. 685 L.D. 889

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require a Public Hearing on Hospital Certificate of Need Proposals"

H.P. 620 L.D. 820

Bill "An Act to Ensure Access to Assisted Living Services Programs"

H.P. 653 L.D. 853

Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State

H.P. 663 L.D. 863

Resolve, Directing the Children's Cabinet to Coordinate the Compilation of a Resource Guide to Assist Crisis Intervention Centers to Help Runaway Youth

H.P. 664 L.D. 864

Bill "An Act to Expand the Elderly Low-cost Drug Program"

H.P. 683 L.D. 887

Bill "An Act to Improve Public Health in the State"

H.P. 694 L.D. 898

Resolve, Directing the Department of Human Services to Establish a Prescription Drug Reimportation Program

H.P. 701 L.D. 916

Resolve, to Amend the Requirements for Eye Care Services under the Maine Medical Assistance Manual

H.P. 702 L.D. 917

Resolve, to Require Medicaid Reimbursement for Independent Living Services and Skills Training Provided to Nursing Facility Residents Returning to the Community

H.P. 705 L.D. 920

Resolve, to Create a State-run Pharmacy Benefits Manager

H.P. 706 L.D. 921

Bill "An Act to Require That the Principles for Reimbursement for Private and Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules" (EMERGENCY)

H.P. 708 L.D. 923

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect the Rights of Maine Citizens and Industries from Influences Outside of Maine" (EMERGENCY)

H.P. 622 L.D. 822

Bill "An Act to Require Free Access to Waters Stocked by the State"

H.P. 625 L.D. 825

Resolve, Directing the Department of Inland Fisheries and Wildlife to Create a Gun Safety Program

H.P. 675 L.D. 875

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Grant Foster Parents Intervenor Status in Child Protection Proceedings"

H.P. 636 L.D. 836

Bill "An Act Regarding Social Security Numbers Used for Identification Purposes"

H.P. 649 L.D. 849

Bill "An Act to Prohibit the Recording of Private Telephone Conversations Without Consent"

H.P. 651 L.D. 851

Bill "An Act to Clarify the Jurisdiction and Qualifications for Protection from Abuse Hearings" (EMERGENCY)

H.P. 662 L.D. 862

Resolve, to Create the Commission to Study Privacy Laws (EMERGENCY)

H.P. 672 L.D. 872

Bill "An Act to Require the Department of Human Services to Provide Automatic Discovery to Opposing Attorneys"

H.P. 676 L.D. 876

Bill "An Act Requiring the Court System to Notify Credit Rating Companies of Debt Clearances"

H.P. 707 L.D. 922

Bill "An Act to Reform the Selection of Probate Judges"

H.P. 713 L.D. 928

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992"
H.P. 644 L.D. 844

Bill "An Act to Examine Issues Regarding the Canadian Workforce"
H.P. 647 L.D. 847

Bill "An Act to Clarify Work Search"
H.P. 671 L.D. 871

Bill "An Act to Provide a Reduction in the Early Retirement Penalty for Teachers and State Employees"
H.P. 686 L.D. 890

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Eliminate Funding for Primary Elections under the Maine Clean Election Act"
H.P. 635 L.D. 835

Bill "An Act to Place the State in Compliance with the Federal Hatch Political Activity Act"
H.P. 650 L.D. 850

Resolve, to Establish A Study Commission to Study Redistricting
H.P. 667 L.D. 867

Bill "An Act to Amend the Laws Governing Term Limits"
H.P. 697 L.D. 901

Bill "An Act to Amend the Public Drinking Law"
H.P. 703 L.D. 918

Bill "An Act to Reform the Direct Initiative Process to Eliminate Abuses and Provide Greater Citizen Input in the Initiative Process"
H.P. 711 L.D. 926

Come 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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Laws Pertaining to Fishing Near Floating Equipment"
H.P. 634 L.D. 834

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Promote the Recycling of Household Batteries"
H.P. 621 L.D. 821

Bill "An Act to Provide Free Access to Any Great Pond Controlled by a Dam"
H.P. 624 L.D. 824

Bill "An Act to Encourage Proper Disposal of Propane Tanks"
H.P. 628 L.D. 828

Bill "An Act to Strengthen the Ground Water Oil Clean-up Fund"
H.P. 657 L.D. 857

Bill "An Act to Provide for Variance Notification in the Shoreland Zoning Law"
H.P. 704 L.D. 919

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies"

H.P. 632 L.D. 832

Bill "An Act to Require that the State Put Out to Open Bid the Phone Card Plan"

H.P. 637 L.D. 837

Bill "An Act to Establish the Patricia A. Bailey Memorial"

H.P. 648 L.D. 848

Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16

H.P. 656 L.D. 856

Bill "An Act to Amend the Budget Process for Sagadahoc County"

H.P. 666 L.D. 866

Bill "An Act to Expand the Laws Pertaining to Accessibility for Persons with Physical Disabilities"

H.P. 695 L.D. 899

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Restore the Steel Bridge in New Sharon

H.P. 626 L.D. 826

Resolve, Authorizing the Department of Transportation to Designate Routes for Over-limit Vehicles

H.P. 629 L.D. 829

Bill "An Act to Clarify when Reduced Speed Limits are in Effect in School Zones" (EMERGENCY)

H.P. 643 L.D. 843

Bill "An Act to Revert the Seat Belt Law to the Form Approved by the Citizens" (EMERGENCY)

H.P. 658 L.D. 858

Resolve, Establishing the Blue Ribbon Commission on the East-West Rail Corridor (EMERGENCY)

H.P. 681 L.D. 881

Resolve, to Direct the Department of Transportation to Place a Traffic Light in Auburn

H.P. 687 L.D. 891

Resolve, Requiring the Department of Transportation to Construct 4-foot Paved Shoulders on Hazardous Segments of Route 15 in Hancock County

H.P. 691 L.D. 895

Bill "An Act to Create a Specialty License Plate for Native Mainers"

H.P. 696 L.D. 900

Bill "An Act to Provide Transportation Vouchers to Persons with Disabilities to Improve their Independence and Opportunity to Work"

H.P. 712 L.D. 927

Resolve, to Create the Commission to Study Abolishing the Maine Turnpike Authority

H.P. 718 L.D. 933

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Streamline Installation of Private Electrical Lines"

H.P. 640 L.D. 840

Bill "An Act to Establish the Lineworker Safety Act"

H.P. 669 L.D. 869

Bill "An Act to Alleviate Heating Prices"

H.P. 688 L.D. 892

Bill "An Act to Amend the Charter of the Corinna Water District" (EMERGENCY)

H.P. 700 L.D. 904

Bill "An Act Authorizing the Public Utilities Commission to Award Restitution to Customers Damaged by Inferior Utility Service"

H.P. 715 L.D. 930

Bill "An Act to Provide for the Security of Certain Utility Information" (EMERGENCY)

H.P. 716 L.D. 931

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize Master Electricians to Work with up to 3 Helpers"

H.P. 689 L.D. 893

Resolve, to Grant an Exception for Inspections of Low-use Elevators

H.P. 709 L.D. 924

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Exempt from the Sales Tax the Deposit on Automotive Cores"

H.P. 618 L.D. 818

Bill "An Act to Increase the Personal Income Tax Exemption to \$5,500 Per Eligible Dependent"

H.P. 638 L.D. 838

Bill "An Act to Allow a Property Tax Exemption to Landowners Whose Property Abuts a Solid Waste Facility"

H.P. 639 L.D. 839

Bill "An Act to Establish a Sales Tax Exemption for Certain Incorporated, Nonprofit Memorial Foundations" (EMERGENCY)

H.P. 645 L.D. 845

Bill "An Act to Provide Equity in Taxation of Certain Mobile Homes"

H.P. 646 L.D. 846

Bill "An Act to Reduce the Personal Income Tax"

H.P. 665 L.D. 865

Bill "An Act to Exempt Medical Devices and Assistive Devices Used by Individuals with Disabilities from the Sales Tax"

H.P. 677 L.D. 877

Bill "An Act to Decrease Individual Income Tax by 20%"

H.P. 679 L.D. 879

Bill "An Act to Increase to \$17,500 and \$35,000 the Tax Deduction for Public and Private Pensions"

H.P. 680 L.D. 880

Bill "An Act to Create an Income Tax Exemption for the Dental and Medical State Loans Repayment Program"

H.P. 693 L.D. 897

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

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

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

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

Senator **CARPENTER** of York was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 20, 2001, at 10:00 in the morning.