

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
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Pages 1 - 911

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

In Senate Chamber
Tuesday
March 13, 2001

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

Prayer by Father Jacob of the Christ Episcopal Church in Gardiner.

FATHER JACOB: O Lord, arise and help us. O God, we have heard with our ears what our fathers and mothers have declared unto us, the noble works that Thou did in their day and in the old time before them. We ask that Your goodness would continue upon us in our generation. We humbly ask Thee, O God, mercifully to look upon our infirmities and turn us from the temptations that so easily beset us. Grant that in all our troubles we may put our whole confidence in Thy grace and mercy and ever more serve Thee with holiness and pureness of living.

In this session of our State and Federal Legislatures, we ask that You would guide people of our state and the nation in the ways of justice and peace, that we may honor one another and serve the common good. Especially this day we pray for our President, George; our Vice President, Richard; our Governor, Angus; and our Senate and House leaders, President Mike Michaud; President Pro Tem Rick Bennett; and Representative Patrick Colwell.

Give to all who are here gathered, Democrat, Republicans and Independents alike, as each serves the public trust and all, in that spirit, to work together to serve justice, promoting the dignity and freedom of every person. We pray for guidance upon issues of human labor, for the right use of the riches of our creation, that the world of which we are but one small part may be freed from poverty, famine and disaster. We think this day especially of the various lobby and special interest groups among us and those who represent them, that a spirit of listening and cooperation would unite all citizens in the use of our resources for the greatest good.

For our enemies who wish to harm us and for all whom we have injured or offended, we pray to You, O Lord. For ourselves, the forgiveness of our sins and for Your grace to amend our lives, we pray to You, O Lord. And finally, teach the people of Maine to rely on Your strength, to accept their responsibilities to their fellow citizens, that we may serve faithfully in our generation and honor Your holy name. In the name of the Father and of the Son and of the Holy Spirit. Amen.

Pledge of Allegiance led by Senator Karl Turner of Cumberland.

Doctor of the day, William Rodriguez, M.D. of Readfield.

Reading of the Journal of Thursday, March 8, 2001.

Off Record Remarks

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

In House, February 13, 2001, **REFERRED** to Committees on **HEALTH AND HUMAN SERVICES** and **CRIMINAL JUSTICE**, in **NON-CONCURRENCE**.

In Senate, February 15, 2001, **INSISTED**.

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

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers"

H.P. 981 L.D. 1305

Comes 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 Clarify and Update the Security Requirements for Employers Self-insured for Workers' Compensation Liabilities"

H.P. 1045 L.D. 1402

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

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

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

Bill "An Act to Establish the Maine Building Rehabilitation Code"
H.P. 994 L.D. 1331

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 Create a Sprawl Offset Tax"
H.P. 1041 L.D. 1398

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

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

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

Joint Orders

The following Joint Order: H.P. 1139

ORDERED, the Senate concurring, that the Joint Study
Commission to Review Compensation in the Office of Disability
Determination Services is established as follows.

1. Joint Study Commission to Review Compensation in the
Office of Disability Determination Services established. The Joint
Study Commission to Review Compensation in the Office of
Disability Determination Services, referred to in this order as the
"commission," is established.

2. Membership. The commission consists of the following 5
members:

A. Two members of the Senate, appointed by the President
of the Senate. The first named Senate member serves as
Senate chair; and

B. Three members of the House of Representatives,
appointed by the Speaker of the House. The first named
House member serves as House chair.

3. Appointments; convening of commission. All
appointments must be made no later than 30 days following
passage of this order. The appointing authorities shall notify the
Executive Director of the Legislative Council once all
appointments have been made. When the appointment of all
members is complete, the chairs shall call and convene the first
meeting of the commission no later than August 18, 2001. The
first meeting must be called by the chairs no later than August
18, 2001.

4. Duties. The commission shall review the levels of
compensation of employees of the Office of Disability
Determination Services within the Department of Human

Services, Bureau of Elder and Adult Services. In examining this
issue, the commission shall collect information from the Office of
Disability Determination Services, from offices in the State
performing similar work and from offices outside of this State
performing similar work. The Department of Administrative and
Financial Services, Bureau of Human Resources shall provide
assistance as requested by the commission. The commission
may recommend changes in salary scales within the office.

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

6. Compensation. Members of the commission are entitled
to receive the legislative per diem as defined in the Maine
Revised Statutes, Title 3, section 2 and reimbursement for travel
and other necessary expenses for attendance at meetings of the
commission.

7. Report. The commission shall submit a report along with
any recommended legislation to the Second Regular Session of
the 120th Legislature no later than November 15, 2001.

8. Budget. The Executive Director of the Legislative Council
shall administer the commission's budget. Upon request of the
commission, the Executive Director of the Legislative Council or
the Executive Director's designee shall promptly provide the
commission chairs and staff with a status report on the
commission budget, expenditures incurred and paid and
available funds.

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

READ.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the
Committee on **HEALTH AND HUMAN SERVICES**, in
concurrence.

The following Joint Order: H.P. 1140

ORDERED, the Senate concurring, that the Joint Study
Committee to Study the State of the Lobster Fishery in Maine is
established as follows.

1. Committee established. The Joint Study Committee to
Study the State of the Lobster Fishery in Maine, referred to in this
order as the "committee," is established.

2. Membership. The committee consists of the Joint
Standing Committee on Marine Resources. The chairs of the
Joint Standing Committee on Marine Resources are the chairs of
the committee.

3. Convening meeting. The chairs of the committee shall
call and convene the first meeting of the committee within 45
days after adjournment of the First Regular Session of the 120th
Legislature.

4. **Duties.** The committee shall study the state of the lobster fishery in Maine, including forecasts for a decline in lobster abundance and the potential impacts of a decline on the lobster industry.

5. **Meetings and hearings.** The committee may hold 6 meetings. At least 4 of the meetings of the committee must be public hearings. Meetings of the committee must be scheduled in geographic areas of the State that will accommodate maximum participation by members of the lobster industry.

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

7. **Compensation.** Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the committee.

8. **Report.** The committee shall report on the issues studied with any recommended legislation to the Second Regular Session of 120th Legislature by November 1, 2001. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. **Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

Comes from the House, **READ** and **REFERRED** to the Committee on **MARINE RESOURCES**.

READ.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **MARINE RESOURCES**, in concurrence.

The following Joint Order: H.P. 1141

ORDERED, the Senate concurring, that the Joint Study Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Place is established as follows.

1. **Committee established.** The Joint Study Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Place, referred to in this order as the "committee," is established.

2. **Membership.** The committee consists of the Joint Standing Committee on Health and Human Services. The chairs of the Joint Standing Committee on Health and Human Services are the chairs of the committee.

3. **Convening meeting.** The chairs of the committee shall call and convene the first meeting of the committee no later than July 15, 2001.

4. **Duties.** The committee shall examine current laws and regulations governing the various types of long-term care services and housing for people in the State and make recommendations to better facilitate consumer choice and ensure the quality of care and safety for all long-term care residents. During the study, the committee shall consult with consumers, providers and regulators of long-term care facilities and other interested members of the public.

5. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

6. **Compensation.** Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the committee.

7. **Report.** The committee shall report on the issues studied with any recommended legislation to the Second Regular Session of the 120th Legislature no later than January 15, 2002. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

8. **Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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

READ.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

The following Joint Order: H.P. 1143

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the House, legislation authorizing the release of certain information pertaining to the certification, authorization and approval of educational personnel.

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

READ and **PASSED**, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1137

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, SECRETARY OF THE INTERIOR GALE A. NORTON AND THE CONGRESS OF THE UNITED STATES TO ABANDON PLANS TO CONDUCT A FEASIBILITY STUDY CONCERNING THE ESTABLISHMENT OF A NATIONAL PARK IN MAINE'S NORTH WOODS

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the Secretary of the Interior Gale A. Norton and the Congress of the United States as follows:

WHEREAS, Maine residents and visitors enjoy the privilege of using large tracts of private land in the north woods for recreational uses such as snowmobiling, hunting, hiking, fishing, white water rafting and other related functions; and

WHEREAS, the future of that private land is of great importance to the people of Maine and their outdoor heritage; and

WHEREAS, the Maine Department of Inland Fisheries and Wildlife and many of the large landowners have or are entering into cooperative wildlife management agreements that ensure the future of critical wildlife populations in the north woods; and

WHEREAS, state agencies and nonprofit organizations are cooperating in an unprecedented effort to secure permanent rights of access to the north woods and keep valuable recreational property and natural habitat undeveloped through conservation easements; and

WHEREAS, federal ownership or control of the north woods would create many problems including limitations on access and use and loss of local and state control of these areas; now, therefore, be it

RESOLVED: That We, your Memorialists, oppose the creation of a national park in Maine's north woods and request that the President of the United States and Secretary of the Interior Gale A. Norton abandon plans to conduct a feasibility

study concerning establishing a national park in Maine's north woods; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to Secretary of the Interior Gale A. Norton and to each member of the Maine Congressional Delegation.

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

READ.

On motion by Senator **KNEELAND** of Aroostook, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 389

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 26, 2001

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

Dear Secretary O'Brien:

Please be advised that I have made the following appointments:

Maine Criminal Justice Commission: Pursuant to Title 5, §3358:
Senator Paul T. Davis of Piscataquis County
Senator William B. O'Gara of Cumberland County

Education Commission of States: Pursuant to 20-A M.R.S.A., §603:
Senator Peggy Rotundo of Androscoggin County

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.**

Sent down for concurrence.

The Following Communication: S.P. 497

**120TH LEGISLATURE
OFFICE OF THE PRESIDENT**

March 7, 2001

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

Dear Secretary O'Brien:

Pursuant to my authority under 5 M.R.S.A., §12004-I, sub §50-A, I have re-appointed Senator Lloyd P. LaFountain III of York County and Robert Goldman of Cape Elizabeth and, appointed Honorable Jane W. Saxl of Bangor and Dr. Lani Graham of Portland to the Consumer Health Care Advisory Council for a two-year term.

Please let me know if you have any questions regarding the appointments.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.C. 89

**STATE OF MAINE
JOINT STANDING COMMITTEE ON TAXATION**

March 2, 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. 109 An Act to Repeal the Tax on Candy and Confections
- L.D. 145 An Act to Protect Senior Homeowners
- L.D. 174 An Act to Amend the Determination of Penalty for the Tree Growth Tax Law

- L.D. 180 An Act to Increase the Homestead Property Tax Exemption
- L.D. 261 An Act to Establish the Maine Resident Homestead Property Tax Rebate Program
- L.D. 359 An Act to Eliminate the Sales Tax on Shipping Charges on Home Party Sales
- L.D. 398 An Act to Allow Municipalities to Determine the Level of Auto Excise Tax

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. 90

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT**

March 2, 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 Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 160 An Act to Extend the Lemon Law to Snowmobiles

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

Sincerely,

S/Sen. Kevin L. Shorey Senate Chair
S/Rep. John G. Richardson House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 91

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON JUDICIARY**

March 7, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 307 An Act to Clarify Arrest Powers under Certain Bench Warrants
- L.D. 459 An Act to Expand the Authority of Maine Prosecutors to Coordinate the Prosecution of Drug Cases

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

Sincerely,

S/Sen. Anne M. Rand S/Rep. Charles C. LaVerdiere
Senate Chair House Chair

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

The Following Communication: S.C. 92

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

March 7, 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 bills out "Ought Not to Pass":

- L.D. 9 An Act to Regulate Exit Polling
- L.D. 181 An Act to Allow Families of Deceased Veterans to Maintain Cemetery Plots within the Maine Veterans' Memorial Cemetery System

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

Sincerely,

S/Sen. Neria R. Douglass S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

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

The Following Communication: S.C. 93

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

March 7, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 355 An Act to Ban Dragging in Salt Pond Located in the Towns of Blue Hill, Brooklin and Sedgwick

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

Sincerely,

S/Sen. Kenneth F. Lemont S/Rep. David G. Lemoine
Senate Chair House Chair

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

The Following Communication: S.C. 94

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

March 2, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 374 An Act to Protect Maine Jobs and Natural Resources
L.D. 376 An Act Regulating the Transportation of Water

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

Sincerely,

S/Sen. John L. Martin Senate Chair
S/Rep. Scott W. Cowger House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 95

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

March 2, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 184 An Act to Expand Contract Zoning Authority for Municipalities

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

Sincerely,

S/Sen. Peggy A. Pendleton Senate Chair
S/Rep. Martha A. Bagley House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 96

**STATE OF MAINE
120TH LEGISLATURE**

March 1, 2001

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

Dear Secretary O'Brien:

Pursuant to our authority under Title 10, Section 929-A, we have appointed Nancy Hensel, President of the University of Maine at Presque Isle, Lillian LeBlanc of Twin Cities Air Service in Auburn, Richard Batt, President/CEO of Franklin Memorial Hospital, and re-appointed Leroy Barry of Waterville, Ed Dinan of Cumberland, Diane Tilton of Machias and Joyce Hedlund of Hampden to the Maine Economic Growth Council. We have also appointed Leroy Barry as Chair.

Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Angus S. King, Jr.
Governor

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 97

**STATE OF MAINE
120TH LEGISLATURE**

March 5, 2001

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

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under 30-A M.R.S.A., Section 5041, we have today appointed Thomas Nelson, Executive Director of York County Community Action Agencies, Don Gean, Executive Director of York County Shelters and Mary Anne Chalila, Welfare Director of the City of Bangor to the Task Force on Homelessness and Housing Opportunities.

Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

Sponsored by Senator MARTIN of Aroostook.

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

Sent down for concurrence.

The Following Communication: S.C. 98

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON TRANSPORTATION**

March 7, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 116 Resolve, to Create a Turnpike Exit 9 Pass
- L.D. 278 Resolve, to Change the Name of the Maine Turnpike to the Ronald Reagan Highway
- L.D. 332 An Act to Require Seat Belts on School Buses
- L.D. 377 An Act to Consolidate Forms Used in the Course of Automobile Sales

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

Sincerely,

S/Sen. Christine R. Savage
Senate Chair

S/Rep. Charles D. Fisher
House Chair

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

SENATE PAPERS

Bill "An Act to Amend the Commercial Large Game Shooting Area to Change the Date of Operation"
S.P. 500 L.D. 1587

Sponsored by Senator MARTIN of Aroostook.

Bill "An Act to Define "Operated" in Relation to Commercial Large Game Shooting Areas"
S.P. 502 L.D. 1589

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,250,000 to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment, to Construct Environmentally Sound Water Sources that Help Avoid Drought Damage to Crops, and to Recapitalize the Potato Market Improvement Fund"
S.P. 493 L.D. 1582

Sponsored by Senator KNEELAND of Aroostook.
(GOVERNOR'S BILL)
Cosponsored by Representative McKEE of Wayne and Senators: GOLDTHWAIT of Hancock, KILKELLY of Lincoln, MILLS of Somerset, Representatives: BERRY of Livermore, DUGAY of Cherryfield, GOOLEY of Farmington, LANDRY of Patten, LUNDEEN of Mars Hill.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Address the Affordable Housing Crisis in the State"
S.P. 506 L.D. 1593

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative COLWELL of Gardiner and Senators: BROMLEY of Cumberland, CARPENTER of York, CATHCART of Penobscot, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, KILKELLY of Lincoln, LaFOUNTAIN of York, LEMONT of York, LONGLEY of Waldo, MILLS of Somerset, NUTTING of Androscoggin, O'GARA of Cumberland, PENDLETON of Cumberland, RAND of Cumberland, ROTUNDO of Androscoggin, SAWYER of Penobscot, SMALL of Sagadahoc, TREAT of Kennebec, Representatives: BAKER of Bangor, BLANCHETTE of Bangor, BLISS of South Portland, BROOKS of Winterport, BULL of Freeport, CHICK of Lebanon, COTE of Lewiston, COWGER of Hallowell, DESMOND of Mapleton, DORR of Camden, DUDLEY of Portland, DUGAY of Cherryfield, ETNIER of Harpswell, FISHER of Brewer, FULLER of Manchester, GAGNE of Buckfield, GERZOFKY of Brunswick, GREEN of Monmouth, HALL of Bristol, LORING of the Penobscot Nation, MARLEY of Portland, MAYO of Bath, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MENDROS of Lewiston, MICHAEL of Auburn, MICHAUD of Fort Kent, MURPHY of Berwick, NASS of Acton, NORTON of Bangor, O'BRIEN of Augusta, O'BRIEN of Lewiston, PATRICK of Rumford, PEAVEY of Woolwich, PERRY of Bangor, POVICH of Ellsworth, RICHARDSON of Brunswick, SAVAGE of Buxton, Speaker SAXL of Portland, SIMPSON of Auburn, STANLEY of Medway, SULLIVAN of Biddeford, TRACY of Rome, TUTTLE of Sanford, VOLENIK of Brooklin.

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

Sent down for concurrence.

Bill "An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine" (EMERGENCY)
S.P. 501 L.D. 1588

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Speaker SAXL of Portland and Senators: CATHCART of Penobscot, EDMONDS of Cumberland, GAGNON of Kennebec, President MICHAUD of Penobscot, MITCHELL of Penobscot, SAWYER of Penobscot, Representatives: BAKER of Bangor, STANLEY of Medway.

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

On motion by Senator **GOLDTHWAIT** of Hancock, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Bill "An Act to Permit the Issuance of Certain Types of Consumer Credit Insurance"

S.P. 511 L.D. 1630

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative SULLIVAN of Biddeford and Senators: ABROMSON of Cumberland, LaFOUNTAIN of York, Representatives: DUDLEY of Portland, GLYNN of South Portland, MAYO of Bath, O'NEIL of Saco.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act to Amend the Revised Maine Securities Act"
S.P. 518 L.D. 1637

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Representative SULLIVAN of Biddeford and Senator: LaFOUNTAIN of York, Representatives: DUDLEY of Portland, MARRACHE of Waterville, MAYO of Bath, O'NEIL of Saco.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act to Reform Health Care in the State"
S.P. 519 L.D. 1638

Sponsored by Senator MILLS of Somerset.

Bill "An Act to Conform the State's Financial Services Privacy Laws with Federal Law" (EMERGENCY)
S.P. 521 L.D. 1640

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative O'NEIL of Saco and Senator: ABROMSON of Cumberland, Representatives: GLYNN of South Portland, MARRACHE of Waterville, MAYO of Bath, SULLIVAN of Biddeford.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, Directing the Maine Science and Technology Foundation to Determine the Physical Condition of Information Technology Infrastructure in the State (EMERGENCY)
S.P. 513 L.D. 1632

Sponsored by President Pro Tem BENNETT of Oxford.
Cosponsored by Senator: SHOREY of Washington, Representatives: BELANGER of Caribou, Speaker SAXL of Portland.

Bill "An Act to Amend the Laws Pertaining to the Maine Small Business Commission"
S.P. 515 L.D. 1634

Sponsored by Senator SHOREY of Washington.
Cosponsored by Representative BRYANT of Dixfield.
Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

Bill "An Act to Improve the Licensing and Regulation of Denturists"
S.P. 520 L.D. 1639

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Representative STANLEY of Medway and Representatives: BRYANT of Dixfield, STEDMAN of Hartland.

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

Sent down for concurrence.

Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982"
S.P. 509 L.D. 1596

Sponsored by Senator McALEVEY of York.
Cosponsored by Senator: O'GARA of Cumberland, Representatives: BULL of Freeport, NASS of Acton.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, Directing the Department of Education to Revise its Rules Relating to School Lunch Program

S.P. 487 L.D. 1576

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative: DUNLAP of Old Town.

Bill "An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12"

S.P. 491 L.D. 1580

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative ESTES of Kittery and Senators: NUTTING of Androscoggin, O'GARA of Cumberland, PENDLETON of Cumberland, ROTUNDO of Androscoggin, Representatives: GOOLEY of Farmington, HALL of Bristol, JONES of Greenville, MADORE of Augusta, MAYO of Bath, RINES of Wiscasset, TESSIER of Fairfield, TRACY of Rome, TRAHAN of Waldoboro, WINSOR of Norway.

Bill "An Act to Offer Businesses and the Technical Colleges Incentives for Providing Workforce Health Care Training"

S.P. 505 L.D. 1592

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Senators: BROMLEY of Cumberland, President MICHAUD of Penobscot, ROTUNDO of Androscoggin, Representatives: DUGAY of Cherryfield, FULLER of Manchester, JONES of Greenville, Representative TESSIER of Fairfield.

Bill "An Act to Increase the Number of Licensed Speech-Language Pathologists to Serve Maine Schools"

S.P. 508 L.D. 1595

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Senators: KILKELLY of Lincoln, O'GARA of Cumberland, ROTUNDO of Androscoggin, Representatives: BAKER of Bangor, FULLER of Manchester, JONES of Greenville, KANE of Saco, THOMAS of Orono.

Bill "An Act to Increase the Debt Limit of the Calais School District Trustees"

S.P. 516 L.D. 1635

Sponsored by Senator SHOREY of Washington.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Increase Funding Alternatives for Small School Construction Projects"

S.P. 517 L.D. 1636

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative MAILHOT of Lewiston and Senators: BROMLEY of Cumberland, DOUGLASS of Androscoggin, EDMONDS of Cumberland, FERGUSON of Oxford, MITCHELL of Penobscot, NUTTING of Androscoggin, Representatives: BRYANT of Dixfield, DESMOND of Mapleton.

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

Sent down for concurrence.

Bill "An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records"

S.P. 492 L.D. 1581

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representative: FULLER of Manchester.
Submitted by the Department of Human 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 Establish the Maine Boating Safety Advisory Council" (EMERGENCY)

S.P. 484 L.D. 1574

Sponsored by Senator SAWYER of Penobscot.
Cosponsored by Representative COWGER of Hallowell and Senator: NUTTING of Androscoggin, Representatives: DUGAY of Cherryfield, HONEY of Boothbay.

Bill "An Act to Encourage New Hunters"

S.P. 488 L.D. 1577

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative DUNLAP of Old Town and Senator: MARTIN of Aroostook, Representatives: BUNKER of Kossuth Township, COLWELL of Gardiner, HONEY of Boothbay.

Bill "An Act to Clarify the Unlawful Use of Snowmobile Trails"

S.P. 490 L.D. 1579

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: DAVIS of Piscataquis, EDMONDS of Cumberland, KNEELAND of Aroostook, SAVAGE of Knox.

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

Sent down for concurrence.

Bill "An Act to Provide Pension Equity for Mental Health Workers"

S.P. 494 L.D. 1583

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative DUPLESSIE of Westbrook.

Bill "An Act to Change the Retirement Eligibility Requirement for Game Wardens"

S.P. 495 L.D. 1584

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Representative COLWELL of Gardiner and
Senators: CARPENTER of York, DAVIS of Piscataquis,
KILKELLY of Lincoln, KNEELAND of Aroostook, MARTIN of
Aroostook, Representatives: BUNKER of Kossuth Township,
CHICK of Lebanon, STANLEY of Medway.

Bill "An Act to Restore a Workers' Compensation Hearing Officer
Position in Aroostook County" (EMERGENCY)

S.P. 498 L.D. 1585

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative SMITH of Van Buren and
Senators: DAVIS of Piscataquis, KNEELAND of Aroostook,
President MICHAUD of Penobscot, Representatives: BELANGER
of Caribou, MICHAUD of Fort Kent, STANLEY of Medway.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

Bill "An Act to Raise the Minimum Wage, to Expand the Tax
Credit for Health Benefits Paid by a Small Business and to
Increase the Earned Income Credit"

S.P. 504 L.D. 1591

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Speaker SAXL of Portland and Senators:
BROMLEY of Cumberland, EDMONDS of Cumberland,
GAGNON of Kennebec, KNEELAND of Aroostook, ROTUNDO of
Androscoggin, Representatives: BRYANT of Dixfield, MAYO of
Bath, SULLIVAN of Biddeford.

Bill "An Act to Provide Disclosure and Financial Protections to
Temporary Workers"

S.P. 507 L.D. 1594

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative DUPLESSIE of Westbrook and
Senators: BROMLEY of Cumberland, EDMONDS of Cumberland,
President MICHAUD of Penobscot, Senator RAND of
Cumberland, Representatives: MATTHEWS of Winslow,
MICHAUD of Fort Kent, STANLEY of Medway.

Bill "An Act to Increase the State Share of Health Insurance for
Certain Retired Teachers"

S.P. 510 L.D. 1629

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Speaker SAXL of Portland and Senators:
CATHCART of Penobscot, ROTUNDO of Androscoggin, SMALL
of Sagadahoc, Representatives: BELANGER of Caribou, BERRY
of Livermore, JONES of Greenville, RICHARD of Madison,
WINSOR of Norway.

Bill "An Act to Provide Exemptions from the 5% cap on Earnable
Compensation for Retirement Purposes"

S.P. 512 L.D. 1631

Sponsored by Senator SHOREY of Washington.
Cosponsored by Senator: MARTIN of Aroostook.

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

Sent down for concurrence.

Bill "An Act to Clarify the Laws Governing Employment by the
State"

S.P. 489 L.D. 1578

Sponsored by President MICHAUD of Penobscot.

Bill "An Act to Separate Territory from the Town of Falmouth and
Annex it to the City of Portland"

S.P. 499 L.D. 1586

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Representative DAVIS of Falmouth and
Representative: NORBERT of Portland.

Bill "An Act to Clarify Rights of Retainage in Public Construction
Contracts"

S.P. 514 L.D. 1633

Sponsored by Senator MILLS of Somerset.
Cosponsored by Senator: NUTTING of Androscoggin,
Representative: BUMPS of China.

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

Sent down for concurrence.

Bill "An Act to Improve the Effectiveness of the Maine Residents
Property Tax Program"

S.P. 486 L.D. 1575

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative MADORE of Augusta and
Senators: CATHCART of Penobscot, O'GARA of Cumberland,
Representatives: BUNKER of Kossuth Township, COLWELL of
Gardiner, CUMMINGS of Portland, ESTES of Kittery, HONEY of
Boothbay, MAYO of Bath.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Allow Landowners to Withdraw without Penalty from
Current Use Programs under Certain Conditions

S.P. 503 L.D. 1590

Sponsored by Senator MARTIN of Aroostook.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **KILKELLY** of Lincoln (Cosponsored by Senator **CARPENTER** of York, and Representatives: **DUNLAP** of Old Town, **SAVAGE** of Buxton, **CARR** of Lincoln, **FOSTER** of Gray, **HONEY** of Boothbay, **USHER** of Westbrook, **LESSARD** of Topsham, **COLWELL** of Gardiner), the following Joint Resolution:
S.P. 496

**JOINT RESOLUTION ENCOURAGING PUBLIC SCHOOLS
TO TEACH A FIREARMS AND HUNTER
SAFETY COURSE**

WHEREAS, all Maine children share an outdoor heritage and should be encouraged to participate in the outdoor recreational opportunities that are part of that heritage; and

WHEREAS, every Maine child would benefit from being taught basic firearms safety and from learning about hunting and wildlife conservation; and

WHEREAS, Maine's Department of Inland Fisheries and Wildlife offers an exceptional hunter safety program that has benefited over 175,000 people since its inception and includes an excellent component on firearms safety; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, recognize the exceptional quality of Maine's hunter safety course and encourage every Maine school system to incorporate that course, sponsored by the Department of Inland Fisheries and Wildlife and taught by that department's instructors, into its curriculum to make it available to all students; and be it further

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

READ.

On motion by Senator **KILKELLY** of Lincoln, REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Reduce Finance Charges on Consumer Loans"
H.P. 142 L.D. 153

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland
CRESSEY of Baldwin
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

SMITH of Van Buren

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **ABROMSON** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Law Governing Unfair Claims Settlement Practices"

H.P. 143 L.D. 154

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland
CRESSEY of Baldwin
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

SMITH of Van Buren

Comes from the House with the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **ABROMSON** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Facilitate State Park Campsite Reservations through the Internet"
S.P. 118 L.D. 394

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

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator TURNER for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify the Substance Abuse Law"
S.P. 139 L.D. 462

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

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act to Establish the State's Recycling and Waste Reduction Goals"

S.P. 160 L.D. 504

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

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Insurance Coverage for Victims of Domestic Violence"

S.P. 49 L.D. 217

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-5)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-5) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on 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

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
PATRICK of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

HEIDRICH of Oxford
DUNCAN of Presque Isle
MAYO of Bath

Reports **READ**.

Senator **DAGGETT** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report.

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Chapter 11: Rules for the Maine Biomedical Research Program, a Major Substantive Rule of the Department of Economic and Community Development (EMERGENCY)

H.P. 150 L.D. 161

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

Senate As Amended

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

S.P. 10 L.D. 2
(C "A" S-2)

Bill "An Act to Increase the Fine for Allowing a Dog to Roam at Large"

S.P. 22 L.D. 38
(C "A" S-3)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

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 (2/22/01) Assigned matter:

JOINT ORDER - relative to the Revisor of Statutes delivering by March 7, 2001, to the Clerk of the House or Secretary of the Senate all bills or resolves filed prior to the cloture date.

H.P. 735

Tabled - February 22, 2001, by Senator **TREAT** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, February 20, 2001, **READ** and **PASSED**.)

(In Senate, February 22, 2001, **READ**.)

On motion by Senator **DAGGETT** of Kennebec, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/08/01) Assigned matter:

JOINT RESOLUTION - Memorializing the President of the United States and the Congress of the United States to Fulfill the Original Intent to Fund 40% of the Costs of Special Education Mandates to the States Under the Individuals With Disabilities Education Act

H.P. 958

Tabled - March 5, 2001, by Senator **MICHAUD** of Penobscot

Pending - **ADOPTION AS AMENDED**, in **NON-CONCURRENCE**

(In House, February 28, 2001, **READ** and **ADOPTED**.)

(In Senate, March 5, 2001, **READ** and on motion by Senator **SMALL** of Sagadahoc Senate Amendment "A" (S-4) **READ** and **ADOPTED**.)

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Mr. President. Men and women of the Senate, I rise to speak in support of this amended Joint Resolution. When the Individuals With Disabilities Act was passed by Congress 25 years ago to ensure important educational support for children with special needs, Congress promised that the Federal Government would fund 40% of the associated cost of the mandate it had created. The failure of Congress to keep this funding promise has resulted in an

enormous financial burden at the state and local levels. Washington currently funds 14% of the cost of special education, well short of the 40% promised, resulting in a loss of approximately \$68 million a year to the State of Maine. There is much discussion in Washington about a surplus. While we are grateful to our Maine Congressional Delegation for its leadership over the years in securing additional funding for special education, we need to remind the Congress and the President that there is no true surplus of money available until past promises have been kept and past obligations met. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President. Good morning. President Michaud, President Pro Tem Bennett, and honorable members of the Senate. I rise today in strong support of this Joint Resolution. I hope you will join me in supporting this and sending a strong message to Washington D.C. In 1975 Congress passed the Individuals With Disabilities Education Act, IDEA as it is commonly known, which authorizes funds to assist the states in assuring that each child with a disability receives a free, appropriate public education. At full funding, the Federal Government would contribute 40% of the national average per pupil expenditure for each child with a disability being served in a state. Despite substantial progress, the current level of federal funding equals only 14.9% of the national average. Maine has 35,140 students enrolled in special education in grades K through 12. This represents 16% of the student population, much higher than the average 12% enrolled nationally. The average total per pupil cost for a student receiving special education services in Maine is \$10,000. Fully funding special education at 40% would give Maine \$57 million in addition to the nearly \$32 million it already receives for a total of \$90 million. Last week our own US Senator, Susan Collins, announced that she, along with several other prominent Senators, is sponsoring legislation to ensure funding of IDEA. The legislation would mandate an increase in federal IDEA funds by \$2.5 billion each year until full funding is reached in the fiscal year 2007. The Bill "Helping Children Succeed by Fully Funding the Individuals With Disabilities Education Act" would increase federal special education funding by a total of \$15 billion over 6 years. Additionally, President George W. Bush has made historic increases in federal education funding, a key element of his policy initiatives. Hopefully the climate of Washington is such that this year the Federal Government will move towards meeting its special education funding commitment. Given the tight fiscal situation Maine is facing, full funding of IDEA means more now than ever. If the Federal Government would meet its obligation in funding special education, that would free up money so that schools could meet their own needs, whether that's hiring more teachers or increasing our teacher's salaries, improving their libraries, operating their science labs, or providing special professional development. Full IDEA funding will mean a tremendous difference to the schools in Maine. Thank you for your attention to this critical matter and I urge your support, strong support, for this Resolution.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I'll be brief but I'm also standing in

support of this Joint Resolution, a Joint Resolution that I believe I have been told every single member of the Legislature of both bodies signed on to. I think it's also great that in Maine we passed, and abided by for several years now, a state mandate law. If we mandate something to local communities, we must pay 90% of it. This is a federal mandate that we're still struggling with, now with the hard work of our Congressional Delegation. I believe the federal funding level is at 12%, but 12% funding of the Federal Government to their mandate to the State of Maine is a far cry from our own State Government's funding at 90% of any mandate we pass onto local communities. I urge the support of this and the passage of this Joint Resolution and its delivery to our Washington representatives. Hopefully they will work with others on both sides of the aisle to assure that this is funded at least at 40% and therefore supporting our schools and giving us the necessary property tax relief that this would do. Thank you.

ADOPTED AS AMENDED BY SENATE AMENDMENT "A" (S-4), in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Require the State to Provide Flags for Persons Who Are Listed on the Memorials Located on State Street in Augusta"

S.P. 363 L.D. 1201

Tabled - March 8, 2001, by Senator **MCALLEVEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, February 28, 2001, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.)

(In House, March 5, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.)

On motion by Senator **MCALLEVEY** of York, the Senate **RECEDED** and **CONCURRED**.

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

Bill "An Act to Allow Families to Request Flags for Deceased Police Officers and Firefighters that have not Died in the Line of Duty"

S.P. 364 L.D. 1202

Tabled - March 8, 2001, by Senator **MCALLEVEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, February 28, 2001, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.)

(In House, March 5, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.)

On motion by Senator **MCALEVEY** of York, the Senate **RECEDED** and **CONCURRED**.

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

Bill "An Act to Create a Sprawl Offset Tax"
H.P. 1041 L.D. 1398

Tabled - March 13, 2001, by Senator **TREAT** of Kennebec

Pending - **REFERENCE**

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

(In House, March 8, 2001, **REFERRED** to the Committee on **NATURAL RESOURCES**.)

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

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

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

On motion by Senator **DAGGETT** of Kennebec, **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Regulate Camp Lot Leases"
H.P. 1200 L.D. 1622

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.

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 Growth in Western Maine"
H.P. 1174 L.D. 1597

Bill "An Act to Assist Regional Service Centers With the Construction of Parking Garages"
H.P. 1194 L.D. 1616

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 Papers

Bill "An Act to Provide Insurance Parity for Mental Health Services"
H.P. 1172 L.D. 1572

Bill "An Act to Require that a Corporation Meet the Same Requirements as an Individual for Proof of Insurance"
H.P. 1199 L.D. 1621

Bill "An Act to Ensure Equality in Mental Health Coverage"
H.P. 1205 L.D. 1627

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Relief from High Fuel Costs"
H.P. 1177 L.D. 1600

Bill "An Act to Regulate Colonics"
H.P. 1189 L.D. 1612

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 Expand the Collection of DNA Samples from Convicted Offenders"
H.P. 1165 L.D. 1565

Bill "An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants" (EMERGENCY)
H.P. 1198 L.D. 1620

Bill "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center"
H.P. 1201 L.D. 1623

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 Prevent Violence Against Pregnant Mothers"
H.P. 1179 L.D. 1602

Committee on **CRIMINAL JUSTICE** suggested and ordered printed.

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

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 Protect Children from Internet Pornography"
H.P. 1156 L.D. 1556

Bill "An Act to Exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from Lease Limitations on Educational Structures"
H.P. 1157 L.D. 1557

Bill "An Act to Amend School Immunizations Requirements"
H.P. 1163 L.D. 1563

Bill "An Act to Limit Funding for Special Education" (EMERGENCY)
H.P. 1183 L.D. 1606

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 Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs"
H.P. 1158 L.D. 1558

Bill "An Act Authorizing Patients to Designate Visitors"
H.P. 1160 L.D. 1560

Bill "An Act to Update the Name of the Department of Mental Health, Mental Retardation and Substance Abuse Services"
H.P. 1162 L.D. 1562

Bill "An Act to Require Registration of Unlicensed Assistive Personnel"
H.P. 1167 L.D. 1567

Bill "An Act to Amend the Laws Pertaining to Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness"
H.P. 1168 L.D. 1568

Bill "An Act to Support a Continuum of Quality Long-term Care Services" (EMERGENCY)
H.P. 1169 L.D. 1569

Bill "An Act to Control Agency Staffing Costs Affecting Long-term Care"
H.P. 1182 L.D. 1605

Bill "An Act to Further Protect the Rights of Persons with Mental Retardation or Autism"
H.P. 1184 L.D. 1607

Bill "An Act to Provide Quality of Life Assurances for Maine's Most Vulnerable Citizens"
H.P. 1195 L.D. 1617

Resolve, to Establish the Task Force to Examine Health Care Delivery Systems Within the State (EMERGENCY)
H.P. 1203 L.D. 1625

Resolve, to Require that Hospice Care be Provided Under the Medicaid Program
H.P. 1209 L.D. 1641

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.

Resolve, to Establish a Task Force to Study Parenting Alienation Syndrome and Related Issues
H.P. 1188 L.D. 1611

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

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

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

Bill "An Act Concerning the Payment of Child Support"
H.P. 1202 L.D. 1624

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

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

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 Provide for Hunting 7 Days a Week on Lands North of the East-West Highway"
H.P. 1175 L.D. 1598

Bill "An Act Concerning Moose Hunting Permits for Elderly Hunters"
H.P. 1181 L.D. 1604

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 Enact the Uniform Principal and Income Act of 1997"
H.P. 1173 L.D. 1573

Bill "An Act to Clarify the Maine Human Rights Act Concerning Responsibility for Employment Discrimination"
H.P. 1176 L.D. 1599

Bill "An Act to Provide a Family Bill of Rights"
H.P. 1186 L.D. 1609

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 Improve Pension Benefits for Employees in the Department of Environmental Protection, Division of Oil and Hazardous Waste Facilities Regulation"

H.P. 1166 L.D. 1566

Bill "An Act to Clarify the Legal Status of Employees of the Governor Baxter School for the Deaf" (EMERGENCY)

H.P. 1187 L.D. 1610

Bill "An Act to Provide for the Continuous Coverage of Disability Benefits"

H.P. 1210 L.D. 1642

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 End Discrimination Against Veterans"

H.P. 1185 L.D. 1608

Bill "An Act to Provide Pricing Options to Agency Liquor Stores"

H.P. 1193 L.D. 1615

Resolve, to Establish a Commission to Study Maine's Election Procedures and Voting Laws

H.P. 1197 L.D. 1619

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 Require Fishing Boats Rather than Individuals to be Licensed for Saltwater Commercial Ventures"

H.P. 1152 L.D. 1555

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Zoning Laws Regarding Dimensional Variances"

H.P. 1159 L.D. 1559

Bill "An Act to Authorize the Construction of Public Trails in Shoreland Areas"

H.P. 1178 L.D. 1601

Bill "An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances"

H.P. 1211 L.D. 1643

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 Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts"

H.P. 1151 L.D. 1554

Bill "An Act to Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production through Pollution Prevention and Toxics Use Reduction"

H.P. 1170 L.D. 1570

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1171 L.D. 1571

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY)

H.P. 1190 L.D. 1613

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Laws Affecting Changeable Message Signs"

H.P. 1164 L.D. 1564

Bill "An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law" (EMERGENCY)

H.P. 1204 L.D. 1626

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 Paper

Bill "An Act to Review Utility Easements on a Periodic Basis"

H.P. 1196 L.D. 1618

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.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Public Law
Secretary of State and the Maine State Police**

The **Secretary of State and the Maine State Police** pursuant to Public Law 1999, chapter 660, section 4 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Secretary of State and the Maine State Police Regarding Low-speed Vehicles"

H.P. 1191 L.D. 1614

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

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

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

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

PAPERS FROM THE HOUSE

**House Paper
Pursuant to Statutes
Department of Audit**

The **Department of Audit**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2001-2002" (EMERGENCY)

H.P. 1206 L.D. 1628

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

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

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Enhance Collectibility of the Penalty for Failure to File the Municipal Valuation Tax Return"

S.P. 99 L.D. 325

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-6)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-6) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

President Pro Tem **BENNETT** of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Thursday, March 15, 2001, at 10:00 in the morning.