

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
May 24, 2001 to June 22, 2001

First Confirmation Session
October 24, 2001

Second Confirmation Session
December 6, 2001

Second Regular Session
January 2, 2002 to April 1, 2002

Pages 912 - 1844

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

120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT

In Senate Chamber
Wednesday
January 2, 2002

January 2, 2002

The Honorable Pamela L. Cahill
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Pursuant to the provisions of Article 5, Part 1, Section 1 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at one o'clock in the afternoon and was called to order by President Richard A. Bennett of Oxford County.

Dear Secretary Cahill:

Please be advised that in accordance with Article 5, Part 1, Section 1 of the Constitution of Maine, the Senate of Maine will convene on Wednesday, January 2, 2002 at one o'clock in the afternoon for the purpose of conducting the business of the Second Regular Session of the 120th Legislature.

Prayer by Reverend Doctor William C. Imes, President of the Bangor Theological Seminary.

Sincerely,

S/Richard A. Bennett
President of the Senate

REVEREND DOCTOR IMES: Oh Holy One, author of life and liberty, we ask Your blessing upon this body as it reconvenes for this year, for this new year brings many challenges for us, as a nation and as a state. We ask that You help us all to do our part for the well-being of the whole. Grant to these Senators wisdom and insight, patience and creativity, willingness to listen and to work collaboratively, all the gifts necessary for the faithful discharge of their responsibilities. May they well serve all the people of Maine who have elected them to give us guidance as a state. Mindful of all our human failings and fallibility, we seek Your power to strengthen us, to give us courage and perseverance, and to lead us in all our endeavors. We ask this in Your holy name. Amen.

READ and ORDERED PLACED ON FILE.

QUORUM ROLL CALL

Pledge of Allegiance led by Senator W. Tom Sawyer of Penobscot County.

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

Doctor of the day, Sid Block, M.D. of Belfast and Bangor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Off Record Remarks

ROLL CALL (#215)

Senate at Ease.

Senate called to order by the President.

PRESENT: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

EXCUSED: Senator: ABROMSON

COMMUNICATIONS

The Following Communication: S.C. 515

33 Senators having answered the Roll with 1 Senator being absent and 1 Senator being excused, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by President Pro Tem **MICHAUD** of Penobscot, the following Senate Order:
S.O. 24

ORDERED, that a message be sent to Governor Angus S. King, Jr., informing him that a quorum of Senators is present in the Senate Chamber ready to transact any business which may come before them.

READ and PASSED.

The Chair appointed President Pro Tem **MICHAUD** of Penobscot to deliver the message. The Sergeant-at-Arms escorted President Pro Tem **MICHAUD** of Penobscot to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently President Pro Tem **MICHAUD** of Penobscot reported that he had delivered the message with which he was charged.

Out of order and under suspension of the Rules, on motion by Senator **SMALL** of Sagadahoc, the following Senate Order:
S.O. 23

ORDERED, that a message be sent to the House of Representatives, informing that Body that a quorum of Senators is present in the Senate Chamber ready to transact any business which may come before them.

Further, that the Senate organized on December 6, 2001 pursuant to Senate Rules for the Second Regular Session by the choice of Richard A. Bennett of Oxford as President; Michael H. Michaud of Penobscot as President Pro Tem; Pamela L. Cahill of Woolwich as Secretary of the Senate; and Joy J. O'Brien of Portland as Assistant Secretary.

READ and PASSED.

The Chair appointed Senator **SMALL** of Sagadahoc to deliver the message. The Sergeant-at-Arms escorted Senator **SMALL** of Sagadahoc to the House of Representatives.

Senate at Ease.

Senate called to order by the President.

Subsequently Senator **SMALL** of Sagadahoc reported that she had delivered the message with which she was charged.

Off Record Remarks

The Following Communication: S.P. 656

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

November 29, 2001

Michael H. Michaud
President of the Senate
120th Legislature

Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Michaud and Speaker Saxl:

On November 29, 2001 two bills and one resolve were received by the Secretary of the Senate.

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

Taxation

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

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

Transportation

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

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 659

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

December 5, 2001

Michael H. Michaud
President of the Senate
120th Legislature

Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Michaud and Speaker Saxl:

On December 5, 2001 two bills were received by the Secretary of the Senate.

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

Criminal Justice

Bill "An Act to Improve the Juvenile Drug Court Program" (S.P. 658) (L.D. 1850) (Sponsored by Senator McAleve of York) (Cosponsored by Representatives: Gerzofsky of Brunswick, O'Brien of Lewiston, Povich of Ellsworth, Snowe-Mello of Poland and Tobin of Dexter) (Submitted by the Department of Corrections pursuant to Joint Rule 204.)

Natural Resources

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

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 670

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

December 13, 2001

Richard A. Bennett
President of the Senate
120th Legislature

Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Bennett and Speaker Saxl:

On December 13, 2001 three bills and two resolves were received by the Secretary of the Senate.

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

Agriculture Conservation and Forestry:

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

State and Local Government:

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

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

Transportation:

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

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

Sincerely,

S/Pamela L. Cahill
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 677

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

December 14, 2001

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

Dear President Bennett and Speaker Saxl:

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

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

Business and Economic Development:

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

State and Local Government:

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

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

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

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

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

Taxation:

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

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

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

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

Utilities and Energy:

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

Sincerely,

S/Pamela L. Cahill
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 730

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

December 17, 2001

Richard A. Bennett
President of the Senate
120th Legislature

Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Bennett and Speaker Saxl:

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

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

Agriculture, Conservation and Forestry:

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

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

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

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

Appropriations and Financial Affairs:

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

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

Bill "An Act to Fund the Maine Biomedical Research Program" (S.P. 700) (L.D. 1902) (Sponsored by Senator Goldthwait of Hancock.) (Cosponsored by Representative Berry of Livermore and President Bennett of Oxford, President Pro Tem Michaud of Penobscot, Senator Turner of Cumberland, Representatives: Bruno of Raymond, Colwell of Gardiner, Rosen of Bucksport, Speaker Saxl of Portland, Representative Schneider of Durham.) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Banking and Insurance:

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

Business and Economic Development

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

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

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

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

Criminal Justice:

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

Education and Cultural Affairs:

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

Health and Human Services:

Resolve, Directing the Department of Behavioral and Developmental Services to Recommend a Name for the New Psychiatric Treatment Center Located in Augusta (S.P. 680) (L.D. 1882) (Sponsored by Senator Daggett of Kennebec.) (Cosponsored by Representative O'Brien of Augusta and Senator Turner of Cumberland, Representatives: Dudley of Portland, Dugay of Cherryfield, Fuller of Manchester, LaVerriere-Boucher of Biddeford, Madore of Augusta, Mitchell of Vassalboro, Nutting of Oakland.) (Submitted by the Department of Behavioral and Developmental Services pursuant to Joint Rule 204.)

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

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

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

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

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

Inland Fisheries and Wildlife:

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

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

Judiciary:

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

Labor:

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

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

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

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

Legal and Veterans Affairs:

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

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

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

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

Bill "An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises" (S.P. 706) (L.D. 1908) (Sponsored by Senator Douglass of Androscoggin.) (Cosponsored by Representative LaBrecque of Gorham and Senator Woodcock of Franklin, Representative Tuttle of Sanford.) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

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

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

Natural Resources:

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

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

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

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

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

State and Local Government:

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

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

Taxation:

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

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

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

Transportation:

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds (S.P. 705) (L.D. 1907) (Sponsored by Senator Savage of Knox.) (Cosponsored by Representative Fisher of Brewer.) (Submitted by the Department of Transportation pursuant to Joint Rule 204.)

Utilities and Energy:

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

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

Sincerely,

S/Pamela L. Cahill
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 731

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

December 18, 2001

Richard A. Bennett
President of the Senate
120th Legislature

Michael V. Saxl
Speaker of the House
120th Legislature

Dear President Bennett and Speaker Saxl:

On December 18, 2001 3 bills were received by the Secretary of the Senate.

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

Criminal Justice:

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

Judiciary:

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

Labor:

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

Sincerely,

S/Pamela L. Cahill
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 734

**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION #58
AUGUSTA, ME 04333**

Date: December 19, 2001

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

From: Jack R. Nicholas, State Budget Officer

Public Law 1995, Chapter 591 requires each department and agency to submit to the Bureau of the Budget a list of any new laws, regulations or other requirements of the Federal Government that may require the State of Maine to comply with a new Federal mandate in the FY02/FY03 biennium. (New is defined as being any mandate for which the implementation date is September 30, 2001 or later.)

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

READ and with accompanying papers ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.C. 403

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

August 9, 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 Public Laws 2001, Ch. 358, Part V, we are pleased to appoint the following to the Commission to Develop a Plan to Implement the Closure of State Liquor Stores.

Senator Beverly C. Daggett of Kennebec as Chair
Senator Mary E. Small of Sagadahoc
Agent Peter Welch, RSVP of Portland
Agent Paul Klotzle, Bayside Liquors of Bar Harbor
Jack Weisman, Manager, North Windham Store

Please let me know if you have any questions with 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.

The Following Communication: S.C. 136

**BUREAU OF CORPORATIONS, ELECTIONS AND
COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE**

August 21, 2001

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

Dear Secretary O'Brien:

Enclosed please find a certified copy of the Resolution of the Joint Tribal Council of the Passamaquoddy Tribe approving P.L. 2001, c. 251. This document is being forwarded to you pursuant to the provisions of Title 3, Section 601.

Sincerely,

S/Timothy R. Poulin
Director of Corporations and UCC

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 505

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

November 26, 2001

Honorable Michael H. Michaud
President of the Senate
3 State House Station
Augusta, ME 04333

Dear President Michaud:

Please find enclosed certified copies of the Governor's Proclamations and the Official Tabulation displaying the final results of the November 6, 2001 Referendum Election.

Sincerely,

S/Dan A. Gwadosky
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 514

**STATE OF MAINE
DEPARTMENT OF LABOR
20 UNION STREET, P.O. BOX 259
AUGUSTA, MAINE 04332-0259**

November 27, 2001

Members of the 120th Maine Legislature

In accordance with 5 MRSA § 13070-J, we are pleased to submit the "agency report" for the Governor's Training Initiative, which has been an instrumental tool in the creation and retention of high skill, quality employment in Maine since its inception in 1996. In calendar year 2000 more than 105 companies participated in training. Fifty-four of fifty-six firms (96.42%) having received \$10,000 or more in reimbursements submitted in accordance with EDIR law. Training projects provided by these firms have impacted the skill development of 2,453 new hires and 4,387 incumbent workers. The attached report lists the amounts paid and the anticipated job growth and retention associated with those funds. Because the funding cycle is spread over a two-year period, funds related to EDIR reporting requirements of this calendar year may be associated with contract allocations spanning three funding cycles (PY98, PY99, PY00).

Statistics included in this report indicate the public benefit derived from the Governor's Training Initiative; these include private dollars leveraged via company match for direct training related activity and an estimated tax base increase associated with new job creation and a potential ensuing job multiplier. In addition, comments have been included from reports that represent overall responses regarding both company and public benefit.

Given our goal of encouraging employers to invest in workers and promote training for workers in all sizes and types of firms, the Governor's Training Initiative has ensured that the needs of small firms are included. In particular, the Governor's Training Initiative is one of the few public vehicles available to reach workers on the job. It acts as an incentive for companies of all sizes to invest in their employees. Importantly, the training plans approved for this program are geared to provide transferable skills to workers. This assists workers who are laid off by equipping them with current skills and is especially important during periods of recession or transition in the workplace.

The program is jointly administered by the Department of Labor and the Department of Economic and Community Development. Should you have any further questions about the program, please feel free to contact either Commissioner Levesque or me.

Sincerely,

S/Valerie R. Landry
Commissioner

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

SENATE PAPERS

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

S.P. 732 L.D. 2042

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative RICHARD of Madison and
Senators: BROMLEY of Cumberland, CATHCART of Penobscot,
SMALL of Sagadahoc, Representatives: MAILHOT of Lewiston,
O'BRIEN of Lewiston, STEDMAN of Hartland, WATSON of
Farmingdale, WESTON of Montville.
Submitted by the Finance Authority of Maine pursuant to Joint
Rule 204.

Resolve, to Study School Administrative Unit Organization in
Maine

S.P. 733 L.D. 2043

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative RICHARD of Madison.
Submitted by the Department of Education and Cultural Affairs
pursuant to Joint Rule 204.

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

Sent down for concurrence.

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

S.P. 735 L.D. 2046

Sponsored by President Pro Tem MICHAUD of Penobscot.
Cosponsored by Representative BERRY of Livermore and
Senators: President BENNETT of Oxford, DAVIS of Piscataquis,
Representatives: BRUNO of Raymond, COTE of Lewiston,
HEIDRICH of Oxford, MAYO of Bath, SCHNEIDER of Durham,
STANLEY of Medway.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

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

Sent down for concurrence.

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

Off Record Remarks

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

Senator **GOLDTHWAIT** of Hancock was granted unanimous
consent to address the Senate off the Record.

Off Record Remarks

At this point a message was received from the House of
Representatives, borne by Representative COLWELL of Gardiner
informing the Senate that a quorum of Representatives were
assembled for the consideration of such business as may come
before that body.

On motion by Senator **SMALL** of Sagadahoc, **ADJOURNED** to
Friday, January 4, 2002, at 12:00 noon.