

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

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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

In Senate Chamber
Friday
January 11, 2002

Senate called to order by President Richard A. Bennett of Oxford County.

Prayer by Reverend Elizabeth J. Bachelder, United Methodist Church in Gardiner.

REVEREND BACHELDER: Thank you for the opportunity to be with you. Please join me in the spirit of prayer.

Oh gracious God of each new day, present to us as we are gathered here in a time of prayer. Send the power of Your spirit upon these men and women of the Maine State Senate. Inspire them, teach them, guide them so that the decisions they make on behalf of our state maybe made with wisdom and grace. Bless those they serve, young and old, those who are powerful and those who are powerless. Send Your blessing, we pray, upon our Governor, Angus King, and all who govern, that our state may prosper and grow in this new year. All this we ask in Your holy name. Amen.

Doctor of the day, Brian Quint, M.D. of Yarmouth.

Reading of the Journal of Tuesday, January 8, 2002.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **SMALL** of Sagadahoc, the following Joint Order:
S.P. 743

Ordered, the House concurring, that when the House stands Adjourned it does so until Tuesday, January 15, 2002, at 9:00 in the morning and the Senate Adjourns until Tuesday, January 15, 2002, at 10:00 in the morning.

READ and PASSED.

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Strengthen the Laws Governing Inspections of Boilers, Pressure Vessels, Elevators and Tramways"
H.P. 1553 L.D. 2056

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 Regarding the Payment of Severance Pay"
H.P. 1551 L.D. 2054

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

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

Bill "An Act to Delay the Date by Which the Use of Tokens or Tickets is Required for Games of Chance at Agricultural Fairs" (EMERGENCY)
H.P. 1552 L.D. 2055

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

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

Pursuant to Statutes
Worker's Compensation Board

The **Worker's Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asked leave to report that the accompanying Bill "An Act to Increase the Workers' Compensation Insurance Assessment to Fund a Hearing Officer Position"
H.P. 1548 L.D. 2051

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

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

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

**Pursuant to Statutes
Worker's Compensation Board**

The **Worker's Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152 asked leave to report that the accompanying Bill "An Act to Clarify the Application of Workers' Compensation Coverage Requirements to Wood Harvesters"

H.P. 1549 L.D. 2052

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

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

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

**Pursuant to Statutes
Worker's Compensation Board**

The **Worker's Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asked leave to report that the accompanying Bill "An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws"

H.P. 1550 L.D. 2053

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

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

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

COMMUNICATIONS

The Following Communication: S.P. 739

**STATE OF MAINE
120TH LEGISLATURE**

January 8, 2002

Hon. Kevin L. Shorey
Senate Chair, Joint Standing Committee on
Business and Economic Development
Hon. John Richardson
House Chair, Joint Standing Committee on
Business and Economic Development
120th Legislature
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has nominated Peter L. Judkins of Farmington for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, M.R.S.A., §4723, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 519

**MAINE STATE LEGISLATURE
AUGUSTA, ME 04333
JOINT STUDY COMMITTEE TO STUDY GROWTH
MANAGEMENT**

January 4, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Order H.P. 1330, as amended by Senate Amendment "A" (S-371), the Joint Study Committee to Study Growth Management is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the members of the Legislative Council and the Joint Standing Committee on Natural Resources. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Lynn Bromley, Chair

S/Representative Theodore Koffman, Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 520

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

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett 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 bills out "Ought Not to Pass":

L.D. 248 An Act to Promote Economic Development in Rural Maine

L.D. 1498 Resolve, to Require the Collection of Health Care Practitioner Workforce Data

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

Sincerely,

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

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 521

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
CRIMINAL JUSTICE**

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1265 An Act to Clarify the Criminal Extradition Laws

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

Sincerely,

S/Sen. Michael J. McAlevey S/Rep. Edward J. Povich
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 522

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS**

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 1557 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

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

Sincerely,

S/Sen. Betty Lou Mitchell S/Rep. Shirley K. Richard
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 523

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
HEALTH AND HUMAN SERVICES**

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 201 An Act to License Freestanding Birth Centers

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

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Thomas J. Kane
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 524

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
INLAND FISHERIES AND WILDLIFE**

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 287 An Act to Allow the Use of Cage Traps for Bear

L.D. 735 An Act to Allow October Fishing

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

Sincerely,

S/Sen. David L. Carpenter
Senate Chair

S/Rep. Matthew Dunlap
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 525

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

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 536 An Act to Define and Revise Noncompete Employment Contracts

L.D. 847 An Act to Examine Issues Regarding the Canadian Workforce

L.D. 981 An Act to Amend the Laws Governing the Maine Unemployment Insurance Commission

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

Sincerely,

S/Sen. Betheda G. Edmonds
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 526

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

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett 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 bills out "Ought Not to Pass":

L.D. 1549 An Act to Amend the Organization of Washington County Government

L.D. 1678 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission

We have also notified the sponsors and cosponsors of each bill listed 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. 527

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

January 2, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett 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 bill out "Ought Not to Pass":

L.D. 909 An Act to Improve the Circuit Breaker Program Application Process

We have also notified the sponsors and cosponsors of the 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. 528

**MAINE STATE LEGISLATURE
AUGUSTA, ME 04333**

January 4, 2002

The Honorable Richard A. Bennett, President
Maine State Senate

The Honorable Michael V. Saxl, Speaker
Maine House of Representatives

State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

The Joint Standing Committee on Health and Human Services has completed its review of the child welfare services system. On behalf of the committee we enclose a copy of the committee report. Copies of the full report will be provided to the Governor, Commissioner Concannon and the Judiciary Committee. Copies of the Executive Summary will be provided to all legislators.

Copies have been placed on file in the Law Library.

Sincerely,

S/Senator Susan W. Longley, Senate Chair

S/Representative Thomas J. Kane, House Chair

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

SENATE PAPERS

Bill "An Act to Expedite Employment in Maine Industry"
S.P. 741 L.D. 2066

Sponsored by President BENNETT of Oxford.
Cosponsored by Senator: DAGGETT of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

Bill "An Act to Require Appropriate Public Notice of a State Building Project"
S.P. 742 L.D. 2067

Sponsored by Senator DAGGETT of Kennebec.
Cosponsored by Representative COLWELL of Gardiner and Representative: O'BRIEN of Augusta.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Waive the Title Fee for Towed Abandoned Vehicles"

S.P. 740 L.D. 2064

Sponsored by Senator FERGUSON of Oxford.
Cosponsored by Representative GOOLEY of Farmington and
Senators: DOUGLASS of Androscoggin, SAVAGE of Knox.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

REFERRED to the Committee on **TRANSPORTATION** 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 Order

An expression of Legislative Sentiment recognizing:

James W. Hosford, of Thomaston, on the occasion of his 60th
birthday, December 30, 2001. Mr. Hosford is the Chief of the
Thomaston Police Department. He and Sherry, his wife of 34
years, have 2 children and 4 grandchildren. We extend our
congratulations and best wishes to him on this very special
occasion; SLS 582

Sponsored by Senator SAVAGE of Knox
Cosponsored by Representative SKOGLUND of St. George and
President Pro Tempore MICHAUD of Penobscot

READ.

THE PRESIDENT: The Chair recognizes the Senator from Knox,
Senator Savage.

Senator **SAVAGE:** Thank you, Mr. President, ladies and
gentlemen of the Senate. We're here today to honor Chief
James Hosford. James Walter Hosford was born December 30,
1941 in Island Falls, Maine. He graduated from Island Falls High
School in 1959. He earned his college degree in Criminal Justice
in 1998 from the University of Maine. In 1962, Jim joined the
military service, retiring in 1977 as Technical Sergeant. Jim's
military career saw 3 tours of duty in Vietnam, earning a Service
Ribbon with 4 oak leaf clusters, the Vietnamese Campaign
Ribbon with 9 campaign stars and the Bronze Star. Following his
military career, Jim was employed as a Knox County Sheriff's

Deputy and in 1981 became a patrolman for the Thomaston
Police Department. Only 7 years later, in 1988, Jim was
promoted to Patrol Sergeant, followed by another promotion in
1993 to Police Chief. Jim has served the town of Thomaston with
distinction for the past 8 years. He's a proud member of the
Maine Chiefs of Police Association, the National Association of
Chiefs of Police, and the International Association of Police
Chiefs. Jim is a member of the Williams-Brazer Post of the
American Legion, the VFW Post in Waldoboro, and the Orient
Lodge AF & AM. Jim is a member of the Thomaston Baptist
Church and the Thomaston Historical Society. Members of Jim's
family, his wife Sherry, his son Ralph who is, by the way, with the
Warden Service serving the State of Maine, daughter-in-law
Jessy, granddaughters Eliza and Zoe, his daughter Vicky and
son-in-law Guy Hamlin, and grandsons Garrett and Lucas are
here to honor Jim. In addition, Acting Chief Kevin Haji and
Detective Mike Janczura are here honoring Jim's dedication and
hard work for the citizens of Thomaston. He has been a pillar
within the community and we honor him as he turns 60 years of
age and we thank him for his dedicated service to his country
and to the people of Knox County and the State of Maine. Thank
you.

PASSED.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear
of the chamber members of James Hosford's family, his wife
Sherry, his son Ralph, daughter-in-law Jessy, granddaughters
Eliza and Zoe, his daughter Vicky and son-in-law Guy Hamlin,
and grandsons Garrett and Lucas are here to honor Jim. In
addition, Acting Chief Kevin Haji and Detective Mike Janczura
are here as well. Will they all please rise and accept the warm
greetings of the Maine Senate.

SECOND READERS

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

House

Bill "An Act to Give the Maine Technical College System Limited
Revenue Bonding Authority"

H.P. 1362 L.D. 1819

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/4/02) Assigned matter:

Resolve, to Reduce Paperwork for Maine Businesses
H.P. 1543 L.D. 2044

Tabled - January 4, 2002, by Senator **GAGNON** of Kennebec

Pending - **REFERENCE**

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

(In House, January 2, 2002, **REFERRED** to Committees on **TAXATION** and **BUSINESS AND ECONOMIC DEVELOPMENT**.)

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **TAXATION** and ordered printed, in **NON-CONCURRENCE**.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

Senator **SAWYER** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

RECESSED until the sound of the bell.

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 Require Timely Consideration of Appeals of Decisions of the Registrar of Voters"

H.P. 1561 L.D. 2063

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

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Joint Study Order
Joint Study Committee to Study Growth Management**

The **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asked leave to report that the accompanying Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 to Make Public Infrastructure Improvements"

H.P. 1558 L.D. 2060

Be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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 Papers

**Pursuant to Joint Study Order
Committee to Study the Benefits and Costs for Increasing
Access to Family and Medical Leave for Maine Families**

The **Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families** pursuant to Joint Order 2001, H.P. 1386, section 8 asked leave to report that the accompanying Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families (EMERGENCY)

H.P. 1556 L.D. 2058

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

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

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

**Pursuant to Joint Study Order
Joint Study Committee to Study Growth Management**

The **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asked leave to report that the accompanying Bill "An Act Regarding Site Selection Criteria for Parking for State Facilities"

H.P. 1557 L.D. 2059

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

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

REFERRED to the Committee on **NATURAL RESOURCES** 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 Papers

**Pursuant to Joint Order
Joint Study Committee to Study Growth Management**

The **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asked leave to report that the accompanying Bill "An Act to Establish a Pilot Project Program to Provide Incentives for Multimunicipal Development" H.P. 1559 L.D. 2061

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

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

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

**Pursuant to Joint Order
Joint Study Committee to Study Growth Management**

The **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asked leave to report that the accompanying Bill "An Act to Clarify the Use of Municipal Rate of Growth Ordinances"

H.P. 1560 L.D. 2062

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

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

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

Senate at Ease.

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 Fund the Collective Bargaining Agreements and Benefits of State Employees Who are Members of the American Federation of State, County and Municipal Employees, Council No. 93" (EMERGENCY)

H.P. 1554 L.D. 2057

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

Comes from the House, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759)**, without reference to a Committee.

READ ONCE, without reference to a Committee.

House Amendment "A" (H-759) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-759)**, without reference to a Committee, in concurrence.

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Resolve
Commission to Study the Implementation of a Unified
Emergency Response for Emergency Releases and Spills of
Toxic or Hazardous Materials**

The **Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials** pursuant to Resolve 2001, chapter 65 asked leave to report that the accompanying Bill "An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form"

H.P. 1564 L.D. 2069

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

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

REFERRED to the Committee on **NATURAL RESOURCES** 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

House

Change of Committee

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision"

H.P. 1468 L.D. 1969

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil"

H.P. 1477 L.D. 1978

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

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

REFERRED to the Committee on **TRANSPORTATION**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Joint Study Order
Committee to Study the Needs of Persons with Mental
Illness Who Are Incarcerated**

The **Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated** pursuant to Joint Order 2001, H.P. 1383 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in Prisons and Jails"

H.P. 1563 L.D. 2068

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

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

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

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Joint Study Order
Joint Study Committee to Study Growth Management**

The **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asked leave to report that the accompanying Bill "An Act to Establish the Community Preservation Advisory Committee"

H.P. 1565 L.D. 2070

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

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

REFERRED to the Committee on **NATURAL RESOURCES** 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

Joint Order

The following Joint Order: H.P. 1555

WHEREAS, Elizabeth H. Mitchell served as a member of the Maine House of Representatives from 1974 to 1984 and from 1990 to 1998; and

WHEREAS, Elizabeth H. Mitchell was elected Speaker of the House on December 4, 1996, becoming the first woman to preside over either body of the Maine Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the portrait of Speaker Elizabeth H. Mitchell donated by the citizens of Maine through the Friends of the Maine State Museum be accepted into the collection of the State House portraits.

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

READ and **PASSED**, in concurrence.

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

Off Record Remarks

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

Senator **CATHCART:** Thank you, Mr. President, Mr. President, men and women of the Senate. I rise today to say a few words in memory of Michael John Morin of Old Town who passed away Tuesday, January 8th, as results of a motor vehicle accident.

Mike Morin was an all-around nice guy and he will be sadly missed by many people. He was a long time employee of the University of Maine, also an alumnus of Tau Kappa Epsilon fraternity and was their professional advisor. He did much work with this fraternity, locally, nationally and internationally. He had a very close relationship with many, many students over the years.

He went to work over 20 years ago at the University of Maine, starting in the grounds shop. Mike, because of his intellect and his hard work, rapidly moved up the career ladder. He moved into the professional employee category and started working with computers. His last job was as Senior Manager of Computer and Technical Services at the University of Maine, a very responsible position indeed.

He was the State President of his bargaining unit, the University of Maine Professional Staff Association. Mike worked very hard to build coalitions with the bargaining units from the other campuses and also with the classified employees and other groups of employees. He was always here when there was a bill having to do with the University System and its' employees. Not to speak, generally, because he was kind of shy in Augusta, but he always came because he was so deeply committed to serving those employees. He was here on Tuesday for a hearing on a bill that would have affected the employees of the University. Mike was truly a leader in so many ways. He had many virtues that we all would admire in a leader and hope to emulate:

integrity, compassion, honesty, fairness, and a sense of humor that everyone loved him for. He will be deeply missed.

I ask that all of you join me in extending sympathy to the staff and students of the University of Maine and to Mike's family and friends who will miss him so much. Join me also in remembering his family in your thoughts and prayers as we adjourn. Mr. President, I ask that when the Senate adjourns today, pursuant to the Joint Order, we adjourn in memory of Michael John Morin of Old Town. Thank you, Mr. President.

On motion by Senator **CATHCART** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 15, 2002, at 10:00 in the morning, in memory of and lasting tribute to Michael John Morin of Old Town..