

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

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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**

In Senate Chamber
Tuesday
January 22, 2002

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

Prayer by Senator Chandler E. Woodcock of Franklin County.

SENATOR WOODCOCK: Let us pray. Lord, it is in the still, quiet moments of our glance around this chamber that we pause at the seat of one who is no longer among us. We notice also that his name remains at the lead in the roll. We pray, Lord, that it is still the case. He was a person of compassion, decency, honesty, and love. Could the same be said of us? Each day, as we glance around this historic chamber, we are struck by the wealth of human resource, Lord. We see the health, legal, business, family, and education professions; they have gathered to represent the people of Maine. I pray that we are reminded of the more important task, that of being a child of God. We are a people blessed. So it is on this day of reflection upon our state and ourselves that we praise You, the source of those blessings. We ask that others not as fortunate be equally blessed. In Your holy name we pray. Amen.

Pledge of Allegiance led by Senator Mary R. Cathcart of Penobscot County.

Doctor of the day, Fred Holler, M.D., Portland.

Reading of the Journal of Friday, January 18, 2002.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by President Pro Tem **MICHAUD** of Penobscot, the following Senate Order: S.O. 26

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of the two branches of the Legislature to be held in the Hall of the House, at 6:30 in the evening for the purpose of extending to the Honorable Angus S. King, Jr., Governor of the State of Maine, an invitation to attend the Convention and make such communication as pleases him.

READ and PASSED.

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

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

PAPERS FROM THE HOUSE

House Papers

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

H.P. 1574 L.D. 2080

Comes 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.

**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 Diversion from Jails and Prisons"

H.P. 1562 L.D. 2065

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.

**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, section 8 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 County Jails"

H.P. 1569 L.D. 2075

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.

**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 asks leave to report that the accompanying Bill "An Act to Amend the Subdivision Review Criteria for Traffic"

H.P. 1576 L.D. 2082

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 **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **REJECTED**.

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

**Pursuant to Resolve
Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft**

The **Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft** pursuant to Resolve 2001, chapter 68 asked leave to report that the accompanying Bill "An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft"

H.P. 1575 L.D. 2081

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** 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 **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Resolve
Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry**

The **Round Table to Study Economic and Labor Issues Relating to the Forest Products Industry** pursuant to Resolve 1999, chapter 124 asked leave to report that the accompanying Bill "An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage"

H.P. 1572 L.D. 2077

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
Revisor of Statutes**

The **Revisor of Statutes** pursuant to Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1577 L.D. 2083

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

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

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

**Pursuant to Statutes
Department of Environmental Protection**

The **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection (EMERGENCY)
H.P. 1571 L.D. 2076

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 Resolve **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.

COMMUNICATIONS

The Following Communication: S.C. 535

**STATE OF MAINE
120TH LEGISLATURE**

December 19, 2001
Honorable Angus S. King, Jr.
Governor of Maine
1 State House Station
Augusta ME 04333

Dear Governor King:

We are pleased to invite you to deliver the State of the State message at a Joint Session of the 120th Maine Legislature on Tuesday, January 22, 2002 at 7:00 p.m.

We look forward to seeing you then.

Sincerely,

S/Richard A. Bennett S/Michael V. Saxl
President of the Senate Speaker of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 536

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

January 3, 2002

The Honorable Richard A. Bennett
President of the Senate
State House
Augusta Maine 04333

The Honorable Michael V. Saxl
Speaker of the House
State House
Augusta Maine 04333

Dear President Bennett and Speaker Saxl:

It is with pleasure that I accept your invitation to deliver the State-of-the-State message at a Joint Session of the 120th Maine Legislature on Tuesday, January 22, 2002 at 7:00 p.m.

I look forward to our work this year on behalf of the people of this great State.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 534

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036**

January 15, 2002

The Honorable Richard Bennett
President of the Senate
Maine State Senate
3 State House Station
Augusta, Maine 04333

Dear President Bennett:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, we would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at MaineBankingReg.org.

Very truly yours,

S/Howard R. Gray, Jr.
Superintendent

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

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 the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 6:30 in the evening for the purpose of extending to the Honorable Angus S. King, Jr., Governor of the State of Maine, an invitation to attend the Convention and make such communications as pleases him.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Criminal History Record Checks"
H.P. 1486 L.D. 1989

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE.**

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

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

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking"

H.P. 1515 L.D. 2019

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.

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

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

Signed:

Senators:
GOLDTHWAIT of Hancock
MILLS of Somerset

Representatives:
BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville
NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

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

Signed:

Senator:
CATHCART of Penobscot

Reports **READ.**

Senator **MILLS** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. I rise to explain my divided report. I have had 12 years of total legislative service and I believe, even though my memory maybe fading as I grow older, that this is the first time that I have every divided a committee report 12 -1. But that's why I want to say a few words to you about the importance

of this legislation to me. I'm not going to ask for a division or a roll call. I don't want to put you on the spot. I'm aware that we don't have millions of dollars to help the university system with its increased cost of health insurance. But I did want to point out that they are experiencing an increase of \$14 to \$16 million in one year, which is close to a 50% increase in the health insurance for the 4,500 employees of our university system. This was not a surprise. Last year, former Chancellor MacTaggart had come to Appropriations and asked for extra funding for this situation to help them with the increase. But because money was scarce, we were not able to provide any increase. They worked hard with the Governor and his staff through the fall and I really appreciate the sympathy that the Governor had for this issue. He really wanted to support the university and had hoped, up until December, to put a few million extra into the supplemental budget to help them with the increase. But, alas, once the forecast became real and final, there just did not seem to be any way to do so. So I put in this legislation to make people aware and do a little education about the cost that the University is going to have to come up with. This was because the university system had a 3 year contract at a reasonable price with a company and the company was losing money on it. The insurance company informed them that they would have to give them this huge jump in the rates. We all know that health care and the cost of health care is a huge crisis in our state, not just for our university system but for many small businesses. I met with 4 businesses in my district about the same thing in the days between Christmas and New Years. Why I think it's so important that we consider supporting the university, even if we don't have the money, is that they don't have some of the usual means of raising the money. They have got few choices. They can cut programs and do lay-offs as they did when the legislature cut their funding in the 1990's. They can re-negotiate their contracts. They have 3 year contracts with all of those employees so that they can try to re-negotiate so that the employees pay a higher percentage of their health care costs. We did a comparison in Appropriations of the state employees' plan with the university plan. The university employees do have health insurance that is almost as good as the state employees, but the university employees already pay more than 10% of their cost on their premiums. So that will be difficult to re-negotiate. The other option, and the one that distresses me most of all, is that the university system will have to do what they did in the 1990's when the legislature cut their funding and that is to raise tuition. Tuition is already very high compared to the national tuition rates. We are the lowest in New England but we are high nationally. I can tell you that when the legislature cut the university system in the 1990's, they raised tuition over 50% and the enrollment dropped. Now, in this past fall of 2001, the enrollment in the total university system came back to the level where it was in 1990. We all recognize and know that if we are going to have future prosperity in our state, we need to have a higher educational attainment level; have more people that go onto college. So my concern is that if they have to raise the tuition this time, very high, and we are not able to do something in the near future, in the next few years, we will lose students from enrollment in our university system again, as we did in the 1990's. Our per-capita income level will drop even further. I hope that today you found your copy of the Executive Summary of the Blue Ribbon Commission on Post Secondary Educational Attainment which I was happy to co-chair. We refer to the need to raise our educational attainment level and to put more money into higher education to do that. I thank you for listening. I just wanted to make that case

and tell you why I did something that is unique in my legislative experience and divided a committee report 12 - 1. To me, it was that important. Thank you, Mr. President.

On motion by Senator **MILLS** of Somerset, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate"

S.P. 691 L.D. 1893

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

Signed:

Senators:

FERGUSON of Oxford
 CARPENTER of York
 TREAT of Kennebec

Representatives:

RINES of Wiscasset
 PERKINS of Penobscot
 GOODWIN of Pembroke
 BERRY of Belmont
 HALL of Bristol
 DUNCAN of Presque Isle
 BLISS of South Portland
 SAVAGE of Buxton
 McGLOCKLIN of Embden

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

Signed:

Representative:

CRABTREE of Hope

Reports **READ**.

On motion by Senator **FERGUSON** of Oxford, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ENACTORS

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

Act

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

H.P. 1362 L.D. 1819

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, 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 Concerning the Disposal and Storage of Cremains"
H.P. 1580 L.D. 2089

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.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Public Law
Education Funding Reform Committee**

The **Education Funding Reform Committee** pursuant to Public Law 2001, chapter 439, Part SSS asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Education Funding Reform Committee"
H.P. 1581 L.D. 2086

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:

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Public Law
Education Funding Reform Committee**

The **Education Funding Reform Committee** pursuant to Public Law 2001, chapter 439, Part SSS asked leave to report that the accompanying Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establish Classes of Property for Purposes of Taxation and to Exempt Personal Property from Taxation if there is an Excise Tax on Certain Personal Property

H.P. 1582 L.D. 2087

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 Resolution **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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1579

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the House, a bill concerning the implementation of a school funding formula based on the essential programs and services model.

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

READ and **PASSED**, 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 **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Repatriation of Native American Remains" H.P. 1443 L.D. 1940

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Lease a Certain Parcel of Land to the Federal Aviation Administration

H.P. 1400 L.D. 1839

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE** on An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel

H.P. 1216 L.D. 1657

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Ensure Victim Safety"

H.P. 1408 L.D. 1846

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal"

H.P. 1459 L.D. 1956

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Emergency Measure

An Act to Clarify the Law Enforcement Authority of Capitol Security Personnel (EMERGENCY)

H.P. 1573 L.D. 2079

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY**: Thank you, Mr. President. This bill was before us last session. I'm curious as to why we're seeing it again.

THE PRESIDENT: The Senator from Washington, Senator Shorey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator McAlevey.

Senator **MCALVEY**: Thank you, Mr. President, men and women of the Senate. I thank the good Senator. That's an excellent question. This is not exactly the same bill we had. This is the stripped down version. What happened is that last week the Attorney General issued a ruling that the previously grandfathered Capitol Security Police had received their duties and were authorized by the trustees of the Criminal Justice Academy, in good faith, years ago. It seems that they didn't have the authority to grandfather them, only we do. Last session, we had a bill that would have remedied the problem. It had a lot of bells and whistles. It passed the other body. Didn't make it through this chamber. What this bill does, it basically grandfathers them until the end of this year, giving us the opportunity to put together a solution that will be a permanent solution. The reality is that last Thursday at mid-night their authority ceased. We need to give them the tools they need to continue their job of protecting us, legitimately and legally. The trustees had acted in good faith. Hopefully we will remedy the problem, temporarily.

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication: S.P. 752

**STATE OF MAINE
120TH LEGISLATURE**

January 22, 2002

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

Dear Senator Pendleton and Representative Bagley:

Please be advised that Governor Angus S. King, Jr. has nominated Derek P. Langhauser of Cumberland Foreside for reappointment as a member of the Maine Governmental Facilities Authority.

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

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 537

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

January 22, 2002

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

Dear Secretary Cahill:

Please be advised that I am today appointing Senator Mary E. Small of Sagadahoc County to the vacancy on the Committee on Banking and Insurance pursuant to my authority under Senate Rule 203.1.

Please do not hesitate to contact me should you have any questions.
Sincerely yours,

S/Senator Richard A. Bennett
President of the Senate

READ and ORDERED PLACED ON FILE.

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

Off Record Remarks

On motion by President Pro Tem **MICHAUD** of Penobscot,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

After Convention

In Senate Chamber

Senate called to order by the President

On motion by President Pro Tem **MICHAUD** of Penobscot,
ADJOURNED to Friday, January 25, 2002, at 12:00 noon.