

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 25, 2002

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

Prayer by Reverend Dr. Jesse James, Riverview Community Congregational Parish in Gardiner.

REVEREND JAMES: Let us pray. All mighty God, we thank Thee for these honorable men and women who give their time to lead and guide the people of this state. We pray for the members of this body. Help them to discharge their duties faithfully and well. Grant them wisdom and strength, that they may rightly use the trust committed to them for the good of all people. May Thy wisdom and power be with those who have been entrusted with leadership. Give them courage and integrity. We beseech Thee, oh Lord, with Thy favor to behold and bless Thy servants, the President of the United States, the Governor of this state, and all who serve to protect our land and its freedoms. We thank Thee for our rich heritage and pray that we may never take lightly the rights and privileges we enjoy which were obtained at great price. Lord, help bind up the wounds of the nation and give Your peace to all that are troubled. Let us understand that You are with us always, at times walking with us and at times carrying us through our darkest hours. Help us to be confident that truth and right shall triumph. We pray for Your wisdom and guidance in all things. May You be with us today and everyday. We ask all of these things in Your name. We all say Amen.

Reading of the Journal of Tuesday, January 22, 2002.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by President Pro Tem **MICHAUD** of Penobscot, the following Joint Order: S.P. 754

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, January 29, 2002, at 9:30 in the morning and the Senate Adjourns until Tuesday, January 29, 2002, at 10:00 in the morning.

READ and PASSED.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 538

120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY

January 17, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1425 An Act to Establish a Fund for Marketing and Improvements in Agricultural Fairs
- L.D. 1534 An Act to Prohibit Grocery Stores From Charging Maine Farmers Access Fees, Slotting Fees and Rebates
- L.D. 1771 Resolve, to Establish the Maine Cattle Health Assurance Program

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

Sincerely,

S/Sen. Richard Kneeland
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 539

120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS

January 17, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 456 Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges
- L.D. 701 An Act to Build Parking Garages in Service Center Municipalities
- L.D. 725 An Act to Maintain Maine Quality Centers' Current Level of Services
- L.D. 1153 An Act to Increase Certain Civil Process Fees
- L.D. 1668 An Act to Expand Research and Development Facilities within the University of Maine System
- L.D. 1957 An Act to Allow the State to Maximize Funds for Meals for the Elderly in the State

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

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. Randall L. Berry
House Chair

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

The Following Communication: S.C. 540

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

January 18, 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 bill out "Ought Not to Pass":

- L.D. 1262 An Act to Properly Apply Jurisdiction of Chimney Regulation

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

Sincerely,

S/Sen. Kevin L. Shorey
Senate Chair

S/Rep. John G. Richardson
House Chair

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

The Following Communication: S.C. 541

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

January 18, 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 bills out "Ought Not to Pass":

- L.D. 1492 An Act to Improve Treatment of Persons with Mental Illness in Maine's Jails and Prisons

- L.D. 1620 An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants

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

Sincerely,

S/Sen. Michael J. McAlevey
Senate Chair

S/Rep. Edward J. Povich
House Chair

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

The Following Communication: S.C. 542

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

January 18, 2002

LEGISLATIVE RECORD - SENATE, FRIDAY, JANUARY 25, 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 bills out "Ought Not to Pass":

- L.D. 1089 An Act to Improve Taxpayer Equity in School Funding
- L.D. 1486 An Act to Create the Child Development Services Advisory Committee

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

Sincerely,

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

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

The Following Communication: S.C. 543

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

January 18, 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 bills out "Ought Not to Pass":

- L.D. 863 Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State
- L.D. 898 An Act to Improve Public Health in the State
- L.D. 1085 Resolve, to Improve Staffing in Health Care Settings

- L.D. 1208 An Act to Plan for the Delivery of Developmental Disabilities and Autism Services
- L.D. 1346 Resolve, to Establish a Commission to Study the Health Care Workforce Shortage
- L.D. 1848 An Act to Prohibit the Separation of a Husband and Wife Placed in State-funded Nursing Facilities

We have also notified the sponsors and cosponsors of each 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. 544

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

January 18, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1532 An Act to Amend the Governmental Ethics Laws Administered by the Commission on Governmental Ethics and Election Practices

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

Sincerely,

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

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

The Following Communication: S.C. 545

**120TH LEGISLATURE
JOINT STANDING COMMITTEE
ON UTILITIES AND ENERGY**

January 18, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1139 An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities
- L.D. 1412 An Act Relating to the Transfer of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc. to Great Northern Energy, LLC
- L.D. 1837 An Act to Improve the Ability of the Public Utilities Commission to Enforce State Laws, Rules and Requirements
- L.D. 1985 An Act to Avoid Incompatible Employment of Water Utility Employees

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr. S/Rep. William R. Savage
Senate ChairHouse Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 546

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04330
THE BLUE RIBBON COMMISSION ON
POSTSECONDARY EDUCATIONAL ATTAINMENT**

January 18, 2002

The Honorable Richard A. Bennett, President
Maine State Senate

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

State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

This letter is to inform you that The Blue Ribbon Commission Postsecondary Educational Attainment has submitted the attached report including recommended legislation to the Joint Standing Committee on Education and Cultural Affairs of the 120th Maine Legislature, pursuant to Resolve 2001, chapter 66. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Mary R. Cathcart, Chair

S/Representative Elizabeth Watson, Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 547

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

January 23, 2002

Pamela L. Cahill
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Cahill:

Governor Angus S. King, Jr. has set Tuesday, March 5, 2002 as the date for the special election to be held in Senate District 27.

Please find enclosed a copy of the Governor's proclamation.

Sincerely,

S/Dan A. Gwadosky
Secretary of State

PROCLAMATION

To the Members of the Democratic, Green Independent and Republican Committees of Cumberland County Residing in Senate District 27.

GREETINGS:

WHEREAS, by the passing of I. Joel Abromson of Portland, in the County of Cumberland, a member of the State Senate in the One Hundred and Twentieth Legislature in District 27, a vacancy has been created; and

WHEREAS, the Constitution of the State of Maine, Article IV, Part Second, Section 5, and Title 21-A of the Maine Revised Statutes Annotated, Section 381, provide that if a vacancy occurs in the office of State Senator, the Governor shall issue a proclamation declaring the vacancy and ordering the appropriate political committees to meet; and

NOW, THEREFORE, I, ANGUS S. KING, Jr., Governor of the State of Maine, do hereby order the appropriate members of the Democratic, Green Independent and Republican Committees of Cumberland County to meet to nominate their candidates for State Senator in District 27, to be voted on at the Special Election to be held on March 5, 2002.

The Certificate of Nomination of the candidates for said District 27 shall be filed in the office of the Secretary of State on or before 5 p.m., on Tuesday, February 12, 2002.

The members of the above named political committees are hereby directed to comply fully in the conduct of the meeting and the making of the certificate with all of the provisions of law relating to the proposal of candidates for election as provided in Title 21-A of the Maine Revised Statutes Annotated.

IN TESTIMONY WHEREOF, I have caused the Great Seal to be hereunto affixed given under my hand at Augusta this twenty-third day of January in the year Two Thousand and Two.

S/Angus S. King, Jr.
Governor

Attest: Dan A. Gwadosky
Secretary of State

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

The Following Communication: S.C. 548

**STATE OF MAINE
EDUCATION FUNDING REFORM COMMITTEE**

January 22, 2002

Honorable Richard A. Bennett
President of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear President Bennett:

On behalf of the Education Funding Reform Committee we are pleased to submit the report of the Committee pursuant to Public Laws 2001, chapter 439.

It was a pleasure to serve on the Committee. We believe that the proposal developed by the Committee will provide the focus for Legislative discussion of the important issues surrounding the manner in which the state raises money to fund education. We look forward to working with the full Legislature as we continue consideration of the Committee's proposal.

Sincerely,

S/Sen. Richard Kneeland
Senate Chair

S/Rep. Bonnie Green
House Chair

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

SENATE PAPERS

Bill "An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)
S.P. 755 L.D. 2091

Sponsored by Senator SHOREY of Washington.
(GOVERNOR'S BILL)
Cosponsored by Representative RICHARDSON of Brunswick and Senators: BROMLEY of Cumberland, YOUNGBLOOD of Penobscot.

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

Sent down for concurrence.

Bill "An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies"
S.P. 753 L.D. 2090

Sponsored by Senator SMALL of Sagadahoc.
Cosponsored by Representatives: CARR of Lincoln, MUSE of South Portland, Representative PEAVEY of Woolwich and Senators: DAVIS of Piscataquis, McALEVEY of York, Representatives: BOWLES of Sanford, TOBIN of Dexter.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Maine Insurance Guaranty Association Act"
S.P. 268 L.D. 915

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-402).**

Report **READ**.

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

SECOND READERS

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

House

An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel
H.P. 1216 L.D. 1657

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

Bill "An Act to Ensure Victim Safety"
H.P. 1408 L.D. 1846

Bill "An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal"
H.P. 1459 L.D. 1956

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

Senate

Bill "An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate"
S.P. 691 L.D. 1893

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

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **SMALL** of Sagadahoc, under unanimous consent on behalf of President **BENNETT** of Oxford, the following Joint Order: S.P. 756

ORDERED, the House concurring, that the Commission to Study Issues Concerning School Bus Drivers is established as follows.

1. Commission established. The Commission to Study Issues Concerning School Bus Drivers, referred to in this order as the "commission," is established.
2. Commission membership. The commission consists of 8 members appointed as follows:
 - A. One Senator appointed by the President of the Senate;
 - B. Two members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Labor, appointed by the Speaker of the House of Representatives;
 - C. Two members employed as school bus drivers by educational institutions or education service agencies that transport students to and from school or to school-related activities, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
 - D. One member representing school bus drivers employed by educational institutions, appointed by the President of the Senate;
 - E. One member representing school bus drivers employed by education service agencies that transport students to and from school or to school-related activities, appointed by the Speaker of the House of Representatives; and
 - F. The Commissioner of Labor or the commissioner's designee.
3. Chairs. The first named Senator is the Senate chair of the commission and the first named member of the House is the House chair of the commission.
4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission no later than May 15, 2002.
5. Duties. The commission has the following duties:
 - A. To gather information pertaining to the retention of, recruitment of and access to unemployment compensation for school bus drivers; and
 - B. To make recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters as to the advisability of increasing access to unemployment compensation

for school bus drivers, including any recommendations for legislation.

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

7. Compensation. The members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The commission shall submit a report that includes its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters by November 6, 2002. If the commission requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

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

READ and PASSED.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Promote Equity Among Health Care Clinics"
S.P. 128 L.D. 404

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-403).**

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

READ ONCE.

Committee Amendment "B" (S-403) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator YOUNGBLOOD for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans"

S.P. 674 L.D. 1877

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Senator **SMALL** of Sagadahoc 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.

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

On motion by Senator **TREAT** of Kennebec, **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:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Relating to the Transfer to GNE, LLC of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc."

S.P. 751 L.D. 2085

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-404)**.

Signed:

Senators:

FERGUSON of Oxford
CARPENTER of York
TREAT of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-405)**.

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ**.

On motion by Senator **FERGUSON** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-404)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-404) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-404)**.

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

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

COMMUNICATIONS

The Following Communication: H.P. 1585

**UNIVERSITY OF SOUTHERN MAINE
COLLEGE OF EDUCATION & HUMAN DEVELOPMENT
CENTER FOR EDUCATIONAL POLICY
APPLIED RESEARCH & EVALUATION
119 BAILEY HALL
GORHAM, MAINE**

January 15, 2002

Honorable Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Saxl:

The Maine State Legislature authorizes the Maine Education Policy Research Institute, University of Southern Maine office, to compile and publish a comprehensive description of public education in Maine each year. Appropriately, the recently completed book is entitled *The Condition of K-12 Public Education in Maine 2002*.

We would like to provide you and your staff with copies of the book for use in your daily deliberations. We hope you will find the information broad yet focused on the many aspects of K-12 public education.

Sincerely,

S/David L. Silvernail
Director

S/A. Mavourneen Thompson
Research Analyst

Comes from the House, **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

READ and with accompanying papers **ORDERED PLACED ON FILE**, 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. 1584

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources report out, to the House, a bill regarding the Great Salt Bay Marine Shellfish Reserve.

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

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Maine Insurance Guaranty Association Act"

S.P. 268 L.D. 915

Report - **Ought to Pass as Amended by Committee Amendment "B" (S-402)**

Tabled - January 25, 2002, by Senator **DAGGETT** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, January 25, 2002, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-402) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Allow Sharing of Information to Facilitate Interstate Cooperation Between Toll Agencies"

H.P. 1402 L.D. 1841

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

Signed:

Senator:

SAVAGE of Knox

Representatives:

FISHER of Brewer
BOUFFARD of Lewiston
COLLINS of Wells
MARLEY of Portland
McNEIL of Rockland
PARADIS of Frenchville
WHEELER of Bridgewater
WHEELER of Eliot

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

Signed:

Representative:

McKENNEY of Cumberland

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

Reports **READ**.

On motion by Senator **SAVAGE** of Knox, the Majority **OUGHT TO PASS** Report **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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Allow the Courts to Utilize the Maine Governmental Facilities Authority to Issue a Bond of \$2,500,000 to Finish the Repairs at the Lewiston District Court

H.P. 1425 L.D. 1866

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-760)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.

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

READ ONCE.

Committee Amendment "A" (H-760) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

On motion by Senator **MARTIN** of Aroostook, **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:

ENACTORS

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

Emergency Measure

An Act Relating to the Transfer to GNE, LLC of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc.
S.P. 751 L.D. 2085
(C "A" S-404)

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you, Mr. President, men and women of the Senate. As a member of the Utilities Committee, I would like to state, for the record and have it be included in the legislative record, the intention of the committee in passing this legislation and the language that is before you in Committee Amendment "A". It was the intent of the Utilities Committee that the language on page 2 of the Committee Amendment referencing the agreement to allow Great Northern Paper to purchase electricity for a 10 year period with an option to purchase for another 5 years refers to the agreement and the price in the purchase agreement entered into and discussed in committee on January 24, 2002. The only reason that the price specifically was not noted in the amendment is that it is a private piece of information and we could not put it into the bill itself. I would also like to note that the bill also makes very clear that the remaining non-hydro assets of Great Northern Paper remain subject to all the charter

provisions and private and special laws applicable and any requirements therein come back to the legislature for future charter amendments. Thirdly, I would note that because the company has come to the legislature to amend the charter, it is clear that they understand that Maine has public trust rights in the waters of the state even though these dams are licensed by the Federal Energy Regulatory Commission.

THE PRESIDENT: The Chair recognizes President Pro Tem Michaud of Penobscot.

PRESIDENT PRO TEM MICHAUD: Thank you, Mr. President, men and women of the Senate. I hope that you would support the enactment of this piece of legislation. To clarify a question that I was asked earlier by a fellow Senator, in the legislation it talks about the Katahdin Region under section 2. They want to know what the intent of the committee was as far as the Katahdin Region. The committee did discuss that the other day. They way they left it, in this legislation, is that the Katahdin Region will be identified by the Department of Economic and Community Development. Clearly it is the understanding that, when you look at the Katahdin Region, it's clearly Northern Penobscot, Southern Aroostook, and also could include part or all of Piscataquis County. The committee did not want to get into that such details because, hopefully, this provision will never have to go into effect. Thank you, Mr. President.

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 3 Senators having voted in the negative, and 26 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:

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Joint 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 State Prisons" H.P. 1583 L.D. 2088

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 **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

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 Papers

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, section 7 asked leave to report that the accompanying Bill "An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces"

H.P. 1578 L.D. 2084

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

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in **NON-CONCURRENCE**.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECONSIDERED** whereby the Resolve was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

On further motion by same Senator, **REFERRED** to the Committee on **NATURAL RESOURCES**, in concurrence.

Off Record Remarks

On motion by Senator **DAGGETT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 29, 2002, at 10:00 in the morning.