

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

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

First Confirmation Session
October 24, 2001

Second Confirmation Session
December 6, 2001

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

Pages 912 - 1844

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

In Senate Chamber
Wednesday
February 6, 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. Most merciful Lord, we thank Thee for these men and women who have taken onto themselves the awesome responsibility of leading and guiding the people of this great state. Grant to the members and officers of this body Your wisdom and guidance as they take up their duties of the day. Be with Thy servants in this place in all these things, great and small, so that small things become great things and great things become possible. Heavenly Father, bless their loved ones and their families. May they find peace and renewal in their homes for the strain and pressures they face here. Dear Lord, we ask Thee to give to the people of this body and this state help for those who are in trouble, consolation for those who are in sorrow, and love to all. In Thy name we pray, and we all say Amen.

Reading of the Journal of Tuesday, February 5, 2002.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 554

**120TH LEGISLATURE
SENATE OF MAINE**

February 5, 2002

Secretary Pamela Cahill
Maine State Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Cahill:

Pursuant to my authority under 34B M.R.S.A., Section 1210, I am pleased to appoint Senator Michael McAlevey to the Maine Advisory Committee on Mental Retardation for the term through December 5, 2002.

Sincerely,

S/Senator Richard A. Bennett
President of the Senate

READ and ORDERED PLACED ON FILE.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Definition of 'Governmental Unit' as It Relates to the Maine Municipal Bond Bank Act" H.P. 1412 L.D. 1856

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.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the Operating Subsidy to the Casco Bay Island Transit District" H.P. 674 L.D. 874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-762)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762)**.

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

READ ONCE.

Committee Amendment "A" (H-762) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Repeal the Sunset Provision Regarding the State Police Providing Services at Cost to Governmental and Nongovernmental Entities" (EMERGENCY)

H.P. 1457 L.D. 1954

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-766)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-766)**.

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

READ ONCE.

Committee Amendment "A" (H-766) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Eliminate Unnecessary Filing Requirements for Water Utilities"

H.P. 1399 L.D. 1838

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-765)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)**.

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

READ ONCE.

Committee Amendment "A" (H-765) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Home Ownership" (EMERGENCY)

H.P. 1533 L.D. 2036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-763)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot
MILLS of Somerset

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-764)**.

Signed:

Representatives:

NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)**.

Reports **READ**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)** Report, in concurrence.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Trial Offers"
H.P. 1471 L.D. 1972

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

Signed:

Senators:

SHOREY of Washington
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk
MICHAUD of Fort Kent

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Restrict the Use of Gill Nets"

H.P. 335 L.D. 425

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

Signed:

Senators:

LEMONT of York
PENDLETON of Cumberland
EDMONDS of Cumberland

Representatives:

VOLENIK of Brooklin
USHER of Westbrook
SULLIVAN of Biddeford
PINKHAM of Lamoine
McNEIL of Rockland
CHICK of Lebanon
BULL of Freeport
MUSE of Fryeburg

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

Signed:

Representatives:

LEMOINE of Old Orchard Beach

ASH of Belfast

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

Reports **READ**.

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

Senate

Change of Committee

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Address Liquidation Harvesting"

S.P. 718 L.D. 1920

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

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

Sent down for concurrence.

SECOND READERS

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

Senate

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

S.P. 732 L.D. 2042

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Strengthen the Habitual Offender Law"

S.P. 653 L.D. 1832

(C "A" S-409)

Bill "An Act to Authorize the Formation of Regional County Corrections Authorities" (EMERGENCY)

S.P. 662 L.D. 1853

(C "A" S-410)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Amend the Charter of the Corinna Sewer District
S.P. 704 L.D. 1906

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

Resolve

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

FINALLY PASSED 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:

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Enable the State to Enter into an Agreement with Other States to Simplify and Modernize Sales and Use Tax Administration" (EMERGENCY)

S.P. 668 L.D. 1872

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (2/1/02) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole"
H.P. 827 L.D. 1081

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - January 29, 2002, by Senator **DAGGETT** of Kennebec

Pending - motion by Senator **MCALEVEY** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**

(In House, January 25, 2002, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, January 29, 2002, Reports **READ**.)

On motion by Senator **MCALEVEY** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Mr. President. Thank you, members of the Senate for giving me this opportunity. I would respectfully disagree with the committee on this particular piece of legislation and hope that after I speak with you, you may agree with me and not pass this piece of legislation. I was not familiar with it until it came across our desks the other day. The break down for who voted for it and who voted against it interested me, so I had it tabled and did a little research on this bill. What I found was somewhat alarming to me. This bill would allow, not a creation but a beefing up, of an already existing interstate compact that regulate the whereabouts of people who are parole or probation. Now that, in of itself, is a fine idea. We have people moving into the state and we should know who they are and where they are. Likewise, when people leave the State of Maine, members states of the compact should be able to track them. So I believe that this bill is very well intentioned, but I think it is very poorly constructed. By passing this bill, we bind ourselves to a new commission and that commission is made up of one representative from each of the bound states. It has several powers. This is where I have my problems with the bill. This bill provides for any rule that the commission may pass to supersede Maine law. It actually has the affect of a law, a law that we would

pass here in the legislature. The commission also has the ability to set costs, costs which are not specified in the legislation. The commission has the right to assess states for any variety of reasons. They are not really spelled out in the legislation. If Maine fails to pay any of these yet undetermined costs, the commission can fine the state. I believe that we are giving up our powers to legislate. Someone who has spoken with Attorney General's Office agrees that there is a potential constitutional issue here and that it amounts to unconstitutional delegation of legislative authority. I don't believe we should be in the business of giving away our legislative powers. Also, our two closest states, New Hampshire and Massachusetts, are not in this compact. Some of the people who support this bill have told me that if the compact passes a rule, a law, that Maine doesn't like, Maine can just come to their legislature and say we don't like this, so we want to vote to do away with this particular rule. Actually that is not how the legislation is written. What would have to happen would be that a majority of the states in the compact would have to vote to do away with that particular rule. Otherwise, the only choice that Maine has is to come in and pass legislation to remove itself completely from the compact. The compact would have the right to accept donations; hold property; sell property; mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property; establish, of course, the budget. It would have the right to sue and be sued. There is no specifications, but I would assume, that the Attorney General's of the different states would have to defend the compact. I'm not sure, that's not spelled out. I think that there is a lot in here. There are some confidentiality matters which, from my first reading, seem to be okay. I don't have a problem with them. I'm not sure. I think that before we pass a bill like this, we should have a few more specifics that are actually written in the law. I have a real concern with this. We won't allow our local municipalities, for heavens sake, to tax anything or have any powers of taxation except the property tax. This would be giving this compact, virtually, power to tax the State of Maine. I just see a lot of problems with it and hope that you will agree and not pass it. If it's a worthy thing, I think it could be brought back next year. I won't be here but certainly the proponents of this bill, God willing, will be back here. Maybe they can refine this or answer at least some of the questions that I find very troubling about this legislation. Again, I do thank you for allowing me this time to address you and I hope that you can join me in voting ought not to pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator McAlevey.

Senator MCALEVEY: Thank you, Mr. President. Men and women of the Senate, I appreciate the good Senator from Cumberland County's comments. I hope that I can address some of her concerns, which are legitimate. This compact is a piece of work from the National Conference of State Legislatures. We already belong to a compact and this is a revision of that compact. In revising it, they are also changing some of their operational rules. We belong to other compacts. National Law Enforcement Telecommunications Network is what we use for teletypes throughout the state. That's a compact with all the other states and the federal government. We have a compact in recognizing motor vehicle licenses, motor vehicle registrations. So surely a compact is nothing new. What this would direct is that we would create a board, at the state level, to oversee this and that board would select a member to represent us on the full

board. That member, along with all the other board members, have a veto vote. It only takes one member of the full board to veto a proposition; fees, taxes. Yes, we pay a fee now to belong to that compact as well as the other compacts that we belong to. The constitutionality issue I had not heard because there were no opponents to the bill during the testimony. Just so you'll know what's what, 14 states have enacted it, 3 additional states are waiting for the governor to sign it into law, and 20 states are now considering whether to pass it or not. Here's the bottom line, and this is documented, we have probationers being sent to the State of Maine from many other states. When we send them out, we notify the Department of Corrections. With the existing compact, they have some requirements but they don't have a whole lot of responsibility in supervising our probationers in other states. We have probationers coming into this state that when we call the Department of Corrections in Maryland and say, and I apologize to the Johnny Jones' of this world, 'Johnny Jones is one of yours' and they say, 'we're not going to discuss it with you, you don't have the right to know or the need to know, and we're not required to tell you.' Well, under this compact, we would be given that right and the states would have to communicate that information before they send somebody. If you look at Maine, it has become the Liberia of dumping probationers from other states into. I don't mind if they are here. People have the right to live wherever they want to. But if they are under the control of foreign state, other than Maine, we should be keeping an eye on them. Other states are doing the same for us. But we need that information. Now, to sum up things, whether this passes or not, it's going to happen once they reach 37 states. We'll be then forced to live with the rules of the compact. But by becoming one of the 37 first states to adopt it, we then get a seat on the board. So it's going to happen one way or the other, whether we enact it or not. Eventually it will happen. But the reality is, do we want safe communities? Do we want our families and our children safe? This, in my estimate, would afford us a degree of safety that we do not have now. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator RAND: Thank you, Mr. President. I hadn't pressed my button, but now that I'm up I guess I'll speak. Men and women of the Senate, the only thing that I would like to add is something that I forgot to mention earlier. If Maine did choose to withdraw from the compact, the state would still be eligible for whatever assessments or whatever debts that had accrued in this compact. Even if we withdrew, we would still be liable for whatever that amount of money was. Also I'd to pose a question through the chair, if I may.

THE PRESIDENT: The Senator may pose her question.

Senator RAND: Thank you, Mr. President. The comment was made that this was going to pass anyway, eventually it's going to become the law of the land, when 37 states agree to join this compact. There is no guarantee, first of all, that 37 states will. For a constitutional convention you need 36 or 37 states and we've never been able to reach that number. My question is: if, indeed, 37 states join this compact and it becomes the law of the land, is there anyway that the state, an individual state, could withdraw from that compact or is this just going to be the way it is?

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

Senator **MCALLEVEY:** Thank you, Mr. President. Men and women of the Senate, I believe that that is a very good question and I believe we can withdraw. Whether we'd still be assessed the fees or not, I am not sure, to be honest with you. Like any other compact, we can choose to participate or not participate.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you, Mr. President. Mr. President and members of the Senate, I would certainly like to support all of the remarks by the Senate Chair of the Criminal Justice Committee. I just had a couple of other points. The issue of constitutionality has been discussed. I believe, it's up to 25 states that have supported this and are now members, or will be members, of the compact. It has been approved in those states and 3 of those, by the way, are in New England as well. I have them right down here. Connecticut, Rhode Island, and Vermont have already joined the compact. The suggestion was made that perhaps we ought to hold this over for another year and come back with it in another year, this was introduced in the last legislature, and in fact, has been discussed. The Department of Corrections and the Regional Coordinator for the Department of Corrections covering two of the counties in our state had some concerns, raised those concerns, have met with officials from around, and are now very supportive and feel that their questions have been raised. I don't think constitutionality, from what I have seen, obviously people can differ with that view, but I don't believe the issue of constitutionality is the main issue. Let me tell you what I think is the main issue. I'm sure everyone of us in this chamber have sat in their committee room and have heard issues and have recognized this flaw or that flaw or whatever. The fact of the matter is these so called flaws have been raised and discussed and 25 states have said what I'm going to say to you right now. In their judgment and in my judgment, the issue that is most important here is that people in the State of Maine and around this country are more and more concerned that there are people moving into and out of our borders that we do not have a handle on. When the compact was first introduced and passed in 1937, there were something like less than 200,000 parolees and probationers roaming the country. There are now up over half a million probationers and parolees that are moving back and forth. The Senator from York, Senator McAlevey, is absolutely accurate, I believe it's going to be adopted. The number of states will be reached and we will not have had a voice on it. By joining this compact, with whatever flaws you think are there, and having a voice from our commission that will be created, the chairman of the commission would be our representative to the national compact. By having a voice, we have something to say. The laws are not just going to be written in a vacuum. The decisions are not going to be made in a vacuum. The Senator from York, Senator McAlevey, has already pointed out, and I'm sure everybody here in this Senate chamber knows this, we are a member of many compacts. I'm sure that when those compacts, probably before I became a member of the legislature, were passed, similar questions were raised and the issues have been resolved. But the fact of the matter is, in order for any states that feel laws are being made, first of all, no amendments can be

made. If one state votes against an amendment, the amendment does not go. One state, not two-thirds. If the State of Maine feels things are going differently than what we feel it should be, all it has to do is introduce a piece of legislation, and I'm sure they would have no problem introducing a piece of legislation, requesting that we withdraw from the compact and that would be the end of it. In my judgment, listening to the people who spoke, the flaws that some people may think exist are outweighed by the fact that we really do need to be able to communicate on a much better level than we can now with the other states so that our officials have a better handle and can know who it is that you are allowing to leave your state and come to our state and in reverse. Mr. President and members of Senate, we can always find, as we do on almost every occasion except for perhaps the most simple of legislation, those issues that we have questions about. But sometimes you do have to put your faith in people who deal with this on an everyday basis. Twenty-five states have voted to come into this. The issue of constitutionality, the so called flaws, have been debated and discussed. They will be discussed and debated at even greater length, I'm sure. I urge you to support the Majority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose her question.

Senator **GOLDTHWAIT:** Thank you very much. I'm speaking neither for nor against here, but I am curious as to whether anyone has a sense of the magnitude of a fiscal note and in what fiscal year we might first be liable for such an assessment?

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Mr. President, the original cost was \$18,000. In the work that the Correction's people have done since the initial bill was put in, they feel so strongly about it, the Department has stated to us in a formal letter that they will absorb the \$18,000 as theirs. So there will be none. As to the other fees, as the Senate chair has already said, my understanding is that if there should be any money that we still owe, and if we withdraw, there maybe an amount of money. But I can't imagine that it is of any extension and I don't think that that question should be reason enough to defeat this particular measure. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Mr. President. May I pose a question?

THE PRESIDENT: The Senator may pose his question.

Senator **TURNER:** Can anyone tell me if any of the states have declined the opportunity to become a member of this compact?

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

Senator **MC ALEVEY:** Thank you, Mr. President. Ladies and gentlemen, at the committee level, at least, the State of Maine declined two years ago. We were given a presentation. We had a lot of questions that weren't answered. We asked them to come back in two years and answer those questions. That's why it is back in front of you. As far as other states, I'm not aware of any. The bit that gives me the most comfort is that NCSL played a prominent role in crafting this language with all of the members of that organization. I look at that as kind of a Good Housekeeping Seal of Approval. I had wished that we had reworded the bill differently, because earlier today we looked at a supplemental that was 'An Act To Enable The State To Enter Into An Agreement With Other States To Simplify And Modernize State Sales Taxes.' I wish this had been rewritten to the point of being 'An Act To Enable The State To Enter Into An Agreement With Other States To Simplify And Modernize Probation Practices.' That is basically what we are doing. But the work that the NCSL has put into this, and it's not just an overnight thing, this has been work in progress for a number of years. The presentation that we had two years ago was in the middle of a snow storm, at the end of the day, and in a very crowded room at the Civic Center. I think we voted with our feet rather than with our intelligence when we killed it. They have come back with new answers to our legitimate questions and I'm satisfied. I hope I have been able to answer the good Senator's question.

The Chair ordered a Division. 23 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **MC ALEVEY** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/5/02) Assigned matter:

Bill "An Act to Provide for Livable, Affordable Neighborhoods"
H.P. 1596 L.D. 2099

Tabled - February 5, 2002 by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

(In House, February 5, 2002, Report from the **Joint Study Committee to Study Growth Management**, **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.)

(In Senate, February 5, 2002 Report from the **Joint Study Committee to Study Growth Management**, **READ** and **ACCEPTED**, in concurrence.)

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committees on **NATURAL RESOURCES** and **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for 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 **LABOR** on Bill "An Act to Clarify the Application of Workers' Compensation Coverage Requirements to Wood Harvesters"

H.P. 1549 L.D. 2052

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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine"
H.P. 1102 L.D. 1471

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "B"** (H-767).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-767)**.

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

READ ONCE.

Committee Amendment "B" (H-767) **READ** and **ADOPTED**, in concurrence.

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 **TRANSPORTATION** on Bill "An Act to Clarify Licensure for the Operation of Antique Trucks"
H.P. 1397 L.D. 1836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-768)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768)**.

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

READ ONCE.

Committee Amendment "A" (H-768) **READ** and **ADOPTED**, in concurrence.

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 **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Winterport Sewerage District"
H.P. 1418 L.D. 1862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761) AS AMENDED BY HOUSE AMENDMENT "A" (H-769)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-761) **READ.**

House Amendment "A" (H-769) to Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-761) as amended by House Amendment "A" (H-769) thereto, **ADOPTED**, in concurrence.

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:

Act

An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate

S.P. 691 L.D. 1893

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

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

Off Record Remarks

On motion by Senator **WOODCOCK** of Franklin, **ADJOURNED**, to Thursday, February 7, 2002, at 10:00 in the morning.