

# 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  
Tuesday  
February 19, 2002

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

Prayer by Reverend Robert Beaumont, Penney Memorial Baptist Church in Augusta.

**REVEREND BEAUMONT:** Let us bow together. Oh God, Father of Abraham and Jesus, author of life, creator of our souls, we come before You this day in this Senate chamber to thank You for the gifts of life, for this great state and all of its beauty and resources. We thank You for the citizens of Maine for whom these public servants represent. We thank You for our state government, Governor King, this Senate chamber, the House chamber, especially as they meet in session this day to hear from the Chief Justice, and all of the countless public servants who work for our state. Lord, we lean upon You today for guidance and direction. Bless the deliberations of this day, that minds will be discerning, hearts will be warmed to the needs of people, and decisions will be fair. Grant moral and mental strength to these public servants. In Your great name we pray. Amen.

Pledge of Allegiance led by Senator Betheda G. Edmonds of Cumberland County.

Doctor of the day, Edgar Caldwell, M.D. of Portland.

Reading of the Journal of Thursday, February 14, 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. 27

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 10:30 in the morning for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court an invitation to attend the Convention and make such communication as pleases her.

**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.

**COMMUNICATIONS**

The Following Communication: S.C. 572

**STATE OF MAINE  
120<sup>TH</sup> LEGISLATURE**

January 16, 2002

Leigh Ingalls Saufley, Chief Justice  
Maine Supreme Court  
Cumberland County Courthouse  
P.O. Box 368  
Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 120<sup>th</sup> Maine Legislature on Tuesday, February 19, 2002 at 10:30 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Richard A. Bennett  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 573

**STATE OF MAINE  
SUPREME JUDICIAL COURT**

February 13, 2002

Senator Richard A. Bennett  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Representative Michael V. Saxl  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

I am pleased to accept your invitation to address a Joint Session of the 120<sup>th</sup> Maine Legislature on Tuesday, February 19, 2002. I consider this occasion as one of the most important duties that I perform, and I appreciate the courtesy of the legislative branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on Tuesday.

Sincerely yours,

S/Leigh I. Saufley  
Chief Justice

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act to Improve Access to Prescription Drugs for the Elderly"

S.P. 777 L.D. 2113

Sponsored by Senator TREAT of Kennebec.  
Cosponsored by Representative LEMOINE of Old Orchard Beach and Senators: BROMLEY of Cumberland, DOUGLASS of Androscoggin, GAGNON of Kennebec, LONGLEY of Waldo, SMALL of Sagadahoc, Representatives: BROOKS of Winterport, FISHER of Brewer, KANE of Saco.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

---

**Pursuant to Joint Order  
Joint Standing Committee on Criminal Justice**

Senator McALEVEY for the **Joint Standing Committee on Criminal Justice** pursuant to Joint Order 2002, S.P. 763 asked leave to report that the accompanying Bill "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements"  
S.P. 776 L.D. 2112

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

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

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

Sent down for concurrence.

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**SECOND READERS**

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

**House As Amended**

Bill "An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program"

H.P. 375 L.D. 477  
(C "B" H-783)

Bill "An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services"

H.P. 779 L.D. 1023  
(C "B" H-785)

Bill "An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State" (EMERGENCY)

H.P. 916 L.D. 1230  
(C "B" H-784)

Bill "An Act to Amend the Loan Broker Law"

H.P. 1396 L.D. 1835  
(C "A" H-789)

Bill "An Act Concerning the State Board of Funeral Service"

H.P. 1438 L.D. 1935  
(C "A" H-788)

Bill "An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities"

H.P. 1464 L.D. 1961  
(C "A" H-796)

Bill "An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws"

H.P. 1550 L.D. 2053  
(C "A" H-793)

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

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Bill "An Act to Fully Fund the Endowment Incentive Fund" (EMERGENCY)

H.P. 33 L.D. 42  
(C "B" H-782)

**READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

Senator **EDMONDS** of Cumberland 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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

At this point a message was received from the House of Representatives, borne by Representative COLWELL of Gardiner and 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 10:30 in the morning for the purpose of extending to the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court an invitation to attend the Convention and make such communication as pleases her.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

**ORDERS**

**Joint Order**

On motion by Senator **KNEELAND** of Aroostook, the following Joint Order: S.P. 778

ORDERED, the House concurring, that Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Capital Expenses for Applied Technology Centers and Regions,"

S.P. 437, L.D. 1439, and all its accompanying papers, be recalled from the legislative files to the Senate.

**READ.**

Senate at Ease.

Senate called to order by the President.

Pursuant to Joint Rule 404 a Division was had. 27 Members of the Senate having voted in the affirmative, and no Senators having voted in the negative, and 27 being more than two-thirds of those present and voting, on motion by Senator **KNEELAND** of Aroostook, the Joint Order was **PASSED**.

Sent down for concurrence.

Off Record Remarks

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 **LABOR** on Bill "An Act to Provide Disclosure and Financial Protections to Temporary Workers"

S.P. 507 L.D. 1594

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

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township  
TARAZEWICH of Waterboro  
TREADWELL of Carmel  
MacDOUGALL of North Berwick  
DAVIS of Falmouth  
CRESSEY of Baldwin

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-425)**.

Signed:

Representatives:

MATTHEWS of Winslow  
HUTTON of Bowdoinham  
NORTON of Bangor  
SMITH of Van Buren

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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## 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 (2/7/02) Assigned matter:

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

Tabled - February 7, 2002, by Senator **DAVIS** of Piscataquis

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate February 7, 2002, **READ A SECOND TIME**.)

**PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/14/02) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Adjust the Salary of the Governor"

S.P. 690 L.D. 1892

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-420)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (S-421)** (4 members)

Report "C" - **Ought Not to Pass** (2 members)

Tabled - February 14, 2002, by Senator **CATHCART** of Penobscot

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, February 14, 2002, Reports **READ**.)

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT Report "B", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-421)**.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. As you see, there were 3 reports on this particular bill and the division between reports A and B was largely over a point about which there was some confusion. Both reports agree on the total amount of the salary increase, which is \$101,000 in both reports. The other report recommended a change of the age at which the Governor or spouse becomes eligible for retirement benefits from age 60 to 62, which makes it conform to other state employees. The sticking point was whether that would apply to the sitting Governor or not. If you would like me to, I would be happy to go into the constitutional details of that issue. However, suffice it to say, it was not clear to the majority that the application of that change to Governors taking office after January 1, 2003 was in that report. Having now identified that it is, I am prepared to move acceptance of Report "B". I believe it has the informal consensus, if not the recorded vote, of the large majority of the committee. I would urge your support for this motion. Thank you.

On motion by Senator **SMALL** of Sagadahoc, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. I'm going to ask you to vote against the impending motion. The rational, from my standpoint, is rather simple. This job currently reimburses the Governor \$70,000 a year plus a host of other perks, which when totaled more than represent an adequate compensation package for the Chief Executive Officer of the State. Secondly, if you're running an organization and you're trying to attract people to a particular assignment or opportunity, one of the ways you do that is with your compensation package. It seems to me that in the current environment, we have no lack of highly qualified individuals seeking this assignment based on its current total compensation package. So I would suggest to you that in these times of not enough money to go around that perhaps we could forgo increasing the compensation package for the Chief Executive and would ask that you reject the pending motion. Thank you.

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

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. It is difficult for me to understand how one could argue against compensating the Chief Executive of the State at this level when this very Legislature compensates at least 7 of our administrative staff members in the \$90,000 range, often at the top of that range. So it baffles me how a person with some limitation on their scope of authority deserves \$25,000 more than the Chief Executive Officer of the State of Maine. I have not seen a list of where the Chief Executive ranks in terms of overall pay, but I would venture to guess that it is below 25<sup>th</sup> in the state hierarchy and may be well below that. As far as other perks that the Governor has, yes, the Executive has a house available, but I'm not aware that any Chief Executive in Maine is in the practice of selling their own house because there is a public house available to that Executive. So rather than seeing that as a perk, I see that as having to balance two households. Yes, there is a car and a driver provided. In a state the size of Maine geographically, with the amount of time that we expect our Executive to be on the road, it would not be wise to expect him to drive himself from place to place when he could be working on the way. Also it seems to me, if you've even been involved in one of the van meetings, it is a good opportunity for some time that can be devoted to gathering up some people and having an interrupted block of time to attempt to work on an issue. So I submit that when we're talking about perks, I don't really see any that are in some way wealth enhancing for the Executive, but simply enable him, or possibly someday her, to do that job efficiently. This increase will still keep us in the lower portion of the pack nationwide as far as salaries go. It baffles me, as I said, that we could list off many, many people who earn more money than that and not seem to question that. Certainly the people who work for us, whom we think deserve that compensation, but be reluctant to offer anything remotely similar to our Chief Executive. So I would urge your support of the pending motion.

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

Senator **GAGNON**: Thank you, Mr. President. Mr. President, may I pose a series of questions through the chair?

**THE PRESIDENT**: The Senator may pose his question.

Senator **GAGNON**: Thank you, Mr. President. Mr. President, for the record, I would like someone to explain to us what the process is for actually increasing the salary for the Governor? I understand that the salary of the current Governor cannot be increased, but at what point can we increase the salary in the future? Would it be at the next election? At the next 4-year or 8-year or whatever it might be? Could someone please review that for me? Thank you.

**THE PRESIDENT**: The Senator from Kennebec, Senator Gagnon poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Mr. President and men and women of the Senate. I had my button pushed for another reason, but I'm happy to respond to the pending question. I think that, my memory is, the Constitution classifies that the salary, when it is increased, can only be increased for a Governor yet to be elected. So if we address this issue, let's say, in the 121<sup>st</sup>

Legislature, we would be talking about a salary adjustment for somebody who has not been in office. The next person to occupy the office. That would be the earliest time when the salary could be adjusted.

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

Senator **SHOREY**: Thank you, Mr. President. May I pose a question through the chair?

**THE PRESIDENT**: The Senator may pose his question.

Senator **SHOREY**: To anyone who cares to answer, could you tell me if this would affect any pensions that are currently being paid now or to be paid in the future? Or is this just for the next sitting Governor's salary? Thank you.

**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 Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. As I mentioned, Report B also changes the age at which the Governor or spouse, it increases the age at which they become eligible for retirement benefits from 60 to 62. As well to the previous question, the Constitution states; 'the Governor shall at stated times receive for services a compensation which shall not be increased or diminished during the Governor's continuance in office.' Having been in communication with the Attorney General's Office in the course of our discussing this bill downstairs, that was taken to mean that if an incumbent Governor is elected, even though legislative salaries can be increased between terms, it is not taken to mean by this Constitutional provision that the same may apply to the Governor. So if an incumbent is reelected, that salary may not be increased or diminished from term to term as well as within the course of a single term.

**THE PRESIDENT**: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS**: Mr. President and men and women of the Senate, the bill, as first introduced, called for an increase to something to the order of \$130,000 and that figure was calculated by taking an inflation adjustment from the time when it was set at \$70,000 and upgrading to a point in time 8 years from now. Many of us on the committee thought that was too much to do in one jump and that we should upgrade it to account for the inflation that has taken place down through today. So that is the basis for the \$101,000 figure. It would be an upgrade from the \$70,000 figure, taking into account inflation, CPI adjustments, from the time when that figure was set until the present time. The other thing, when I was reading the bill and looking at the statutes, I noticed that the retiring Governor might take his pension at age 60. I noticed that we changed that for all other state employees and for teachers as well. I thought this would be an opportune time to change that provision to age 62. I thought that ought to be the date or the time when the Governor can take his retirement. That is part of Report B. As the good Senator from Hancock, Senator Goldthwait, has pointed out, that retirement provision would affect only a Governor yet to be

elected. It would not affect anybody currently in the pipeline. I've also been asked what are the other perquisites of office? I think several of them are well known to us. I don't know that I have a comprehensive answer, but there are several of them that have emerged from the statutes or from my conversations with the budget people. Obviously, the use of the Blaine House during that Governor's term of office is a valuable perquisite. In addition, I understand that there is an appropriated \$30,000 expense account that is within the Governor's discretion. I believe that it is within that expense account that a Governor could provide for meals and cooking and so forth at the Blaine House. I don't know the details of it, but there is that account. My information is that this Governor has not used it or has used it very rarely. In addition, there is a lease of an automobile that costs about \$710 per month at present, which I believe is separately appropriated. I believe that the Governor is entitled to health insurance at the same terms that it is made available to state employees. He does also, obviously, get a driver courtesy of the Maine State Police. I believe that comes out of the Maine State Police account. There may be other things that I've missed. I am making an effort to be as thorough as I can because the question had been posed to me earlier. I do support Report B. I thought that it was a relatively conservative increase in the Governor's salary. It still leaves the Governor being paid somewhat less than many of the people that are employed by state government. Certainly less than some of the people that are employed in the University System. I think that the increase is tempered by the fact that we'd be changing the retirement age from 60 to 62, which seems to be an appropriate thing to do. For that reason, I do support the pending motion.

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

Senator **CARPENTER:** Thank you, Mr. President, men and women of the Maine Senate. I'm not absolutely positive in my facts, but I believe in 1988 Governor McKernan was being paid \$90,000 as a salary and in 1990, when we had a real budget crunch that was famous throughout the world, we or he reduced his salary to \$70,000. Therefore, that's where you are getting the \$70,000 salary. It really would have been \$90,000, which is \$20,000 more than we're talking about. If I am wrong, I think either the Secretary of the Senate or the Secretary of Senate Pro Tem can either verify or deny this fact. Thank you.

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Off Record Remarks

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

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

**THE PRESIDENT:** The Senator may pose his question.

Senator **TURNER:** For anyone who might be able to answer, does Report B provide an enhancement to the retirement stipend that the retiring Governor, Governor King, would enjoy if we enact the legislation?

**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 Somerset, Senator Mills.

Senator **MILLS:** Mr. President, the answer is yes. The pension is peculiar and unique. In fact the pension people keep track of it as a separate account. There are only 4 or 5 people currently receiving a pension under this system. It says that the Governor or the spouse of a decedent Governor, upon turning age 60, is entitled to a pension that begins at a level that is 3/8 of the salary of the Governor then serving. So if you are a Governor approaching the age of 60, when you turn 60 and you are first eligible to retire, your pension is 3/8 of what the salary is of the Governor then serving, not of the salary that you might have had 10, 20, or 30 years ago when you were Governor, but 3/8 of the salary that is then in effect. So when we do raise the Governor's salary prospectively it would, by implication, raise the initial amount of a pension made available to somebody who was retiring at that stage. There are also, for your information, inflation adjustments added to that initial pension level, just as there are inflation adjustments to other pension systems.

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

Senator **GAGNON:** Thank you, Mr. President. Again, I am somewhat confused. The good Senator from York, Senator Carpenter, talked about former Governor McKernan, who took a decrease in salary. If I'm reading this correctly, under Executive Power, Article 5, section 6, that the good Senator behind me read; 'the Governor shall at stated times receive for services compensation which shall not be increased or diminished during the Governor's continuance in office.' I'm just wondering how Governor McKernan's salary was diminished during that time?

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President, men and women of the Senate. I could not pretend that I would remember back to that, even though I served during that period, because everyone knows just how bad my memory is. But I have it on authority higher than me that indeed the Governor was compensated \$70,000 at that time and gave back \$7,000, as we turned in part of our legislative salary, when we were trying to get through that short fall. So if the higher authority is correct, and I would believe he is, there was never a \$90,000 salary. It was at \$70,000, he voluntarily turned it back. It wasn't anything that we did legislatively. So that's where we are today. Thank you.

**THE PRESIDENT:** The Senator from Cumberland, Senator Turner, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **TURNER:** Thank you, Mr. President. May I pose one additional question through the chair?

**THE PRESIDENT:** The Senator may pose his question.



Senator **TURNER**: Are we not putting our Governor in the unusual circumstance of voting for something; sending it potentially to his desk for his signature which he will personally benefit from based on the answer provided to an earlier question by the Senator from Somerset, Senator Mills?

**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 Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President. That may technically be the case, but if we did not do so the Governor's salary would simply never increase. Because of this provision for retroactivity of the pension eligibility piece, that will always occur when the salary is changed.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

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**ROLL CALL (#222)**

**YEAS:** Senators: CARPENTER, CATHCART, FERGUSON, GAGNON, GOLDTHWAIT, MARTIN, MILLS, MITCHELL, O'GARA, SAWYER, YOUNGBLOOD

**NAYS:** Senators: DAGGETT, DAVIS, DOUGLASS, EDMONDS, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MCALEVEY, MICHAUD, PENDLETON, ROTUNDO, SAVAGE, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

**ABSENT:** Senators: BROMLEY, KILKELLY, NUTTING

**EXCUSED:** Senator: RAND

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-421)**, **FAILED**.

On motion by Senator **TURNER** of Cumberland, Report "C", **OUGHT NOT TO PASS ACCEPTED**.

Sent down for concurrence.

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

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The Chair laid before the Senate the following Tabled and Later (2/14/02) Assigned matter:

Bill "An Act Regarding Fire Inspections for Foster Homes"  
H.P. 1409 L.D. 1847

Tabled - February 14, 2002 by Senator **LONGLEY** of Waldo

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, February 12, 2002, **PASSED TO BE ENGROSSED**.)

(In Senate, February 14, 2002, **READ A SECOND TIME**.)

On motion by Senator **LONGLEY** of Waldo, Senate Amendment "A" (S-427) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-427)**, in **NON-CONCURRENCE**.

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

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The Chair laid before the Senate the following Tabled and Later (2/14/02) Assigned matter:

**JOINT ORDER** - relative to the Joint Standing Committee on Business and Economic Development reporting to the House legislation regarding economic development for small businesses  
H.P. 1610

Tabled - February 14, 2002 by Senator **SHOREY** of Washington

Pending - **PASSAGE**, in concurrence

(In House, February 14, 2002, **READ** and **PASSED**.)

(In Senate, February 14, 2002, **READ**.)

**PASSED**, in concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.P. 780

**STATE OF MAINE**  
**120<sup>TH</sup> MAINE LEGISLATURE**

February 15, 2002

Hon. Anne M. Rand  
Senate Chair, Joint Standing Committee on  
Judiciary  
Hon. Charles C. LaVerdiere,  
House Chair, Joint Standing Committee on  
Judiciary  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Rand and Representative LaVerdiere:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Donald H. Marden of Waterville for reappointment as a Superior Court Justice.

Pursuant to Const., Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 781

**STATE OF MAINE**  
**120<sup>TH</sup> MAINE LEGISLATURE**

February 15, 2002

Hon. Anne M. Rand  
Senate Chair, Joint Standing Committee on  
Judiciary  
Hon. Charles C. LaVerdiere,  
House Chair, Joint Standing Committee on  
Judiciary  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Rand and Representative LaVerdiere:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Jon Levy of York for appointment as Associate Justice of the Maine Supreme Judicial Court.

Pursuant to Const., Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 782

**STATE OF MAINE**  
**120<sup>TH</sup> MAINE LEGISLATURE**

February 15, 2002

Hon. Anne M. Rand  
Senate Chair, Joint Standing Committee on  
Judiciary  
Hon. Charles C. LaVerdiere,  
House Chair, Joint Standing Committee on  
Judiciary  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Rand and Representative LaVerdiere:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable John B. Beliveau of Lewiston for reappointment as District Court Judge, the Honorable John D. McElwee of Bryant Pond for appointment as District Court Judge residing in District Eleven and John David Kennedy of North Yarmouth for appointment as District Court Judge, (no resident designation).

Pursuant to Title 4, Section 157, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project" (EMERGENCY)

H.P. 1407 L.D. 1845  
(C "A" H-772)

In Senate, February 12, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772) AND HOUSE AMENDMENT "A" (H-810)**, in **NON-CONCURRENCE**.

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

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Authorize County Extension Building Associations to Borrow Money"

H.P. 1614 L.D. 2111

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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Bill "An Act to Provide Full Utility of Retired School Buildings" (EMERGENCY)

H.P. 1615 L.D. 2114

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

**Pursuant to Resolve  
Joint Standing Committee on Natural Resources**

The **Joint Standing Committee on Natural Resources** pursuant to Resolve 2001, chapter 23 asked leave to report that the accompanying Bill "An Act to Establish the Maine Public Library of Geographic Information"

H.P. 1617 L.D. 2116

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

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

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

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

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**ORDERS OF THE DAY**

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

Bill "An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project" (EMERGENCY)

H.P. 1407 L.D. 1845  
(C "A" H-772)

Tabled - February 19, 2002, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, February 12, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**, in concurrence.)

(In House, February 19, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772) AND HOUSE AMENDMENT "A" (H-810)**, in **NON-CONCURRENCE**.)

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Prevent Price Gouging During Abnormal Market Disruptions"

H.P. 1612 L.D. 2109

Committee on **JUDICIARY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules"

H.P. 1476 L.D. 1977

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Modify the Time of Constituent Service Allowance Payments"

H.P. 1444 L.D. 1941

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-802)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-802)**.

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

**READ ONCE.**

Committee Amendment "A" (H-802) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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.

On motion by Senator **EDMONDS** of Cumberland, **ADJOURNED** to Wednesday, February 20, 2002, at 10:00 in the morning.