

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

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

In Senate Chamber
Wednesday
February 20, 2002

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

Prayer by Reverend Edward Hatch, Palermo Christian Church in Palermo.

REVEREND HATCH: Before I begin, I just want to share this with you. Every morning I go out and run. This morning I was running and it was a beautiful, beautiful morning. I was running out on Route 3 and there is just one small problem. When trucks go by, they stir up the dust. So I collected some and brought it with me here today. I'm not going to open it up, but for sure there is dust here. As I thought about this, I thought this is what I'm made of and what each one of us really is; nothing but dust. When we're born, the Bible says we're made out of dust. When we die, we are going to return to dust. In between, we have the opportunity to do some very special and important things. I'd just like to encourage you, as you think about the things that you are doing today, to consider the shortness of life and how important the priorities that you folks set, not only for yourselves, but for every one of us who are citizens in the State of Maine who are looking to you for leadership. Perhaps every time you go down the road and the dust is stirred up, you might remember this particular occasion. Let's bow for prayer.

Our Heavenly Father, today we're thankful for the many blessings You give to us. We do come before You with very humble hearts today, recognizing that we really are but just dust. But You have placed within us an eternal spirit. You have given us a mind and a conscience that helps us to be able to relate to others and view the world around us. For these people who are gathered here today, You have given them the tremendous responsibility of overseeing the affairs of the people of this state. It's my prayer that You will lead them and guide them and help them to do Your will and that You will lead them in the right paths, that the priorities that they have might be the ones that are important in view of the shortness of this life. We will thank You for all that is done today. For Your glory. In Jesus name. Amen.

Reading of the Journal of Tuesday, February 19, 2002.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 574

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

February 14, 2002

The Honorable Richard A. Bennett
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Marcia McKeague of Medway, for reappointment to the Land for Maine's Future Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators	2	Kneeland of Aroostook, Nutting of Androscoggin
Representatives	10	Carr of Lincoln, Foster of Gray, Gooley of Farmington, Hawes of Standish, Jodrey of Bethel, Landry of Patten, Lundeen of Mars Hill, McKee of Wayne, Pineau of Jay, Volenik of Brooklin
NAYS	0	
ABSENT	1	Sen. Kilkelly of Lincoln

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marcia McKeague of Medway, for reappointment to the Land for Maine's Future Board be confirmed.

Signed,

S/Richard Kneeland
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#223)

YEAS: Senators: None

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MICHAUD, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: DOUGLASS, LONGLEY, MILLS

EXCUSED: Senator: KNEELAND

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Marcia McKeague** of Medway, for reappointment to the Land for Maine's Future Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data"

S.P. 783 L.D. 2120

Sponsored by President Pro Tem MICHAUD of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Senators: DAVIS of Piscataquis, MARTIN of Aroostook, SAVAGE of Knox, SAWYER of Penobscot, Representatives: COWGER of Hallowell, NASS of Acton.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$9,500,000 to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment, to Construct Environmentally Sound Water Sources that Help Avoid Drought Damage to Crops, to Recapitalize the Potato Market Improvement Fund and to Make Renovations and Enhance Wastewater Treatment at the Department of Inland Fisheries and Wildlife's Fish-rearing Facilities"

S.P. 784 L.D. 2121

Sponsored by Senator MARTIN of Aroostook. (GOVERNOR'S BILL)

Cosponsored by Representative BRYANT of Dixfield and Senators: CARPENTER of York, KILKELLY of Lincoln, KNEELAND of Aroostook, WOODCOCK of Franklin, Representatives: BERRY of Livermore, DUNLAP of Old Town, MATTHEWS of Winslow.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,150,000 to Stimulate Job Growth in Rural Maine"
S.P. 785 L.D. 2130

Sponsored by President Pro Tem MICHAUD of Penobscot. (GOVERNOR'S BILL)

Cosponsored by Representative RICHARDSON of Brunswick and Senators: CATHCART of Penobscot, Senator NUTTING of Androscoggin, SHOREY of Washington, YOUNGBLOOD of Penobscot, Representatives: BELANGER of Caribou, CARR of Lincoln, HATCH of Skowhegan, JONES of Greenville.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

**Pursuant to Public Law
Joint Standing Committee on Natural Resources**

Senator MARTIN for the **Joint Standing Committee on Natural Resources** pursuant to Public Law 2001, chapter 359 asks leave to report that the accompanying Bill "An Act Relating to Subdivision Review and Title Search Procedures"

S.P. 779 L.D. 2119

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

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

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

Sent down for concurrence.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Peter J. Lancia, of Portland, who has been named the 2002 Maine Teacher of the Year. Mr. Lancia has had a distinguished career teaching literacy and second grade at the Saccarappa Primary School in Westbrook, including the mentoring of new teachers and serving as the literacy coordinator for his school. He has presented workshops and has spoken at numerous community and district events on public education and literacy. Mr. Lancia is fondly known for his annual "trip" to Italy, an integrated educational unit that involves parents, students, art and music teachers, cooking, making passports, packing, making Lira, learning Italian and boarding a classroom plane. We send our appreciation to Mr. Lancia for his excellence in teaching and passion for literacy among all students and extend our congratulations and best wishes to him on this occasion;
SLS 622

Sponsored by Senator RAND of Cumberland.
Under suspension of the rules, cosponsored by Senator: O'GARA of Cumberland, Representatives: McDONOUGH of Portland, DUDLEY of Portland, Speaker SAXL of Portland, QUINT of Portland, NORBERT of Portland, BRANNIGAN of Portland, MARLEY of Portland, CUMMINGS of Portland, USHER of Westbrook, DUPLESSIE of Westbrook.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee"

H.P. 1456 L.D. 1953

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-797)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-797)**.

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

READ ONCE.

Committee Amendment "A" (H-797) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement

H.P. 1455 L.D. 1952

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-804)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-804)**.

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

READ ONCE.

Committee Amendment "A" (H-804) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish a Commission to Erect a Memorial in Capitol Park to the Victims and Heroes of the September 11, 2001 Tragedy

H.P. 1488 L.D. 1991

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-801)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-801)**.

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

READ ONCE.

Committee Amendment "A" (H-801) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Restructure the Advisory Council on Tax-deferred Arrangements"

H.P. 1508 L.D. 2011

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-800)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-800).

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

READ ONCE.

Committee Amendment "A" (H-800) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on **TRANSPORTATION** on Bill "An Act to Modernize the Procurement Practices at the Department of Transportation"

H.P. 1483 L.D. 1984

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-798).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-798).

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

READ ONCE.

Committee Amendment "A" (H-798) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Calculation for Annual County Tax Assessments"

H.P. 904 L.D. 1218

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

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

BAGLEY of Machias
HATCH of Skowhegan
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford

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"** (H-803).

Signed:

Representative:

LESSARD of Topsham

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.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Adopt the Canadian Highway Weight Standards"

H.P. 400 L.D. 521

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-808).

Signed:

Senators:

SAVAGE of Knox
O'GARA of Cumberland
GAGNON of Kennebec

Representatives:

FISHER of Brewer
BOUFFARD of Lewiston
WHEELER of Eliot
BUNKER of Kossuth Township
MARLEY of Portland
PARADIS of Frenchville
WHEELER of Bridgewater
COLLINS of Wells
McKENNEY of Cumberland

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

Signed:

Representative:

McNEIL of Rockland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-808).

Reports **READ**.

On motion by Senator **SAVAGE** of Knox, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-808) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Reduce Identity Theft by Requiring Truncated Credit Card Receipts" S.P. 678 L.D. 1880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-426).**

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

READ ONCE.

Committee Amendment "A" (S-426) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Off Record Remarks

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices" S.P. 688 L.D. 1890

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

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery

TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath

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

Signed:

Senator:

DOUGLASS of Androscoggin

Reports **READ.**

On motion by Senator **WOODCOCK** of Franklin, the Majority **OUGHT TO PASS** Report **ACCEPTED.**

READ ONCE.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

SECOND READERS

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

House

Bill "An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules" H.P. 1476 L.D. 1977

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

House As Amended

Bill "An Act to Modify the Time of Constituent Service Allowance Payments" H.P. 1444 L.D. 1941 (C "A" H-802)

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

ENACTORS

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

Emergency Measure

An Act to Amend the Laws Governing the Washington County
Emergency Medical Services Authority

H.P. 1490 L.D. 1993
(C "A" H-792)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Acts

An Act to Require that Temporary Nurse Agencies Verify
Certified Nursing Assistants' Eligibility Before Hiring Certified
Nursing Assistants

H.P. 1405 L.D. 1843

An Act to Clarify the Method of Sale for Heating Oil and Retail
Motor Fuels

H.P. 1451 L.D. 1948
(C "A" H-777)

An Act to Clarify Roles and Positions within the Department of
Behavioral and Developmental Services

H.P. 1452 L.D. 1949

An Act to Extend the Period During Which the Passamaquoddy
Tribe May Acquire Land in the City of Calais

H.P. 1479 L.D. 1980

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

An Act to Create the Transit Bonus Payment Program

H.P. 386 L.D. 507
(C "A" H-780)

On motion by Senator **SAVAGE** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act to Reduce Unnecessary Paperwork in State Government

H.P. 846 L.D. 1118
(C "A" H-790)

On motion by Senator **PENDLETON** of Cumberland, 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 Pendleton.

Senator **PENDLETON:** Thank you, Mr. President, men and women of the Senate. I just want to remind you about this particular bill. You haven't heard very much from the State and Local Government Committee this year because we worked in harmony and most of our reports have been unanimous. We're very proud of that fact. We spent a lot of time putting our legislation together to present it to you. However, this particular bill is very important to small businesses and businesses in general in our state. This particular piece of legislation, 'An Act to Reduce Unnecessary Paperwork in State Government,' is an attempt for us to have businesses operating in the state that are required to periodically submit informational reports and data to different agencies to only have one agency that they would report to. This is a start to help small businesses so that they are not spending a lot of their time and resources reporting information to the government. I hope you will all vote with me to Enact. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#224)

YEAS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senators: None

EXCUSED: Senator: KNEELAND

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

JOINT ORDER - relative to recognizing Peter J. Lancia, of Portland, who has been named the 2002 Maine Teacher of the Year. SLS 622

Tabled - February 20, 2002, by Senator **DAGGETT** of Kennebec

Pending - **READING**

READ.

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

Senator **RAND:** Thank you, Mr. President and men and women of the Senate. It's been my experience that one of the least appreciated yet most important professions around is the teaching profession. The gratification that teachers get seems to come more from the personal gratification they get from taking our youngsters and teaching them and trying to mold them to be knowledgeable, good citizens. So it is a particularly special event for me today to be able to honor one of these great teachers, Peter J. Lancia. I'm very proud that this gentleman resides in the City of Portland, in my district. All I can say is that I'm glad that he won. I'm glad that there is monetary reward attached to this. I'm of the opinion that, if we can pay athletes \$10, \$20, \$30 million for a 2 year contract, certainly our teachers are worth far more than what we do pay them. So congratulations Mr. Lancia. Thank you for residing in my district.

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

Senator **O'GARA:** Thank you, Mr. President. I would like to add my remarks and comments to my good seatmate. I can't claim him as a Westbrook resident and therefore he's, obviously, not a constituent of mine. But I can say this, we are very proud of the Westbrook School system. We always have been. My two children went to Saccarappa School. I'm sure those of you that look at Mr. Lancia and look at me will know that they obviously weren't there when Mr. Lancia was teaching. But nevertheless, it's a great school and a great school system. We're very, very proud of our school system and we're very, very proud of this honor coming to the city and to the school department through the efforts of Mr. Lancia. Thank you, Mr. President.

PASSED.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Peter J. Lancia of Portland, guest today of the Senator from Cumberland, Senator Rand, and the Senator from Cumberland, Senator O'Gara. Mr. Lancia's been named the 2002 Maine Teacher of the Year. Would he please rise and accept the greetings of the Senate.

Sent down for concurrence.

An Act to Provide Enhancements to the Small Enterprise Growth Program

H.P. 1420 L.D. 1868
(C "A" H-778)

On motion by Senator **SHOREY** of Washington, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act to Increase Home Ownership

H.P. 1533 L.D. 2036
(C "A" H-763)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (2/19/02) Assigned matter:

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

H.P. 1612 L.D. 2109

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

Pending - **REFERENCE**

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

(In House, February 19, 2002, **REFERRED** to Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.)

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Support Family Farms"

S.P. 463 L.D. 1516

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-424).**

Signed:

Senators:

KNEELAND of Aroostook
KILKELLY of Lincoln
NUTTING of Androscoggin

Representatives:

McKEE of Wayne
HAWES of Standish
LUNDEEN of Mars Hill
PINEAU of Jay
VOLENIK of Brooklin
JODREY of Bethel

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

Signed:

Representatives:

GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln

Reports **READ**.

On motion by Senator **KILKELLY** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-424) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Study School Administrative Unit Organization in Maine

S.P. 733 L.D. 2043

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-428)**.

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
ANDREWS of York
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
STEDMAN of Hartland
WESTON of Montville
LEDWIN of Holden

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

Signed:

Representative:

SKOGLUND of St. George

Reports **READ**.

On motion by Senator **MITCHELL** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-428) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate at Ease.

Senate called to order by the President.

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

The President appointed the Senator from Sagadahoc, Senator **SMALL**, to serve as President Pro Tem for the session on Thursday, February 21, 2002.

On motion by President Pro Tem **MICHAUD** of Penobscot, **RECESSED** until 11:00 in the morning.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Acquire or Dispose of Property or Interest in Property Pursuant to the Augusta State Facilities Master Plan set out in Resolve 2001, Chapter 34

S.P. 676 L.D. 1879

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-415)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - February 12, 2002, by Senator **PENDLETON** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 12, 2002, Reports **READ.**)

On motion by Senator **PENDLETON** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/19/02) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Provide Disclosure and Financial Protections to Temporary Workers"

S.P. 507 L.D. 1594

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-425)** (4 members)

Tabled - February 19, 2002, by Senator **EDMONDS** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 19, 2002, Reports **READ.**)

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#225)

YEAS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senator: RAND

EXCUSED: Senator: KNEELAND

32 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED.**

Sent down for concurrence.

Off Record Remarks

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 a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies; General Renovation Needs; and Learning Space Upgrades" H.P. 1628 L.D. 2128

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$43,000,000 to Improve Homeland Security in Maine, to Renovate a State Office Facility, to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham" H.P. 1629 L.D. 2129

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Fairly Assess Sales Tax on Vehicles"
H.P. 1620 L.D. 2122

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

On motion by Senator **GAGNON** 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:

PAPERS FROM THE HOUSE

House Paper

Pursuant to Joint Order
Committee to Study the Loss of Commercial Fishing
Waterfront Access and Other Economic Development Issues
Affecting Commercial Fishing

The **Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing** pursuant to Joint Order 2001, H.P. 1384 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing"

H.P. 1619 L.D. 2118

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

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

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

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

PAPERS FROM THE HOUSE

House Paper

Pursuant to Public Law
Commission to Develop a Plan to Implement the Closure of
State Liquor Stores

The **Commission to Develop a Plan to Implement the Closure of State Liquor Stores** pursuant to Public Law 2001, chapter 358, Part V asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores"
H.P. 1623 L.D. 2123

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 **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

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

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

PAPERS FROM THE HOUSE

House Paper

Pursuant to Statutes
Department of Professional and Financial Regulation

the **Department of Professional and Financial Regulation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation (EMERGENCY)

H.P. 1625 L.D. 2125

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Department of Professional and Financial Regulation**

The **Department of Professional and Financial Regulation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 4: Installation Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 1627 L.D. 2127

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Department of Public Safety**

The **Department of Public Safety** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a Major Substantive Rule of the Department of Public Safety (EMERGENCY)

H.P. 1626 L.D. 2126

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

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

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

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

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
Department of Education and the Department of Human Services**

The **Department of Education and the Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education (EMERGENCY)

H.P. 1624 L.D. 2124

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

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Department of Environmental Protection**

The **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection (EMERGENCY)

H.P. 1618 L.D. 2117

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

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

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

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

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

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order: H.P. 1621

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, legislation regarding malt liquor taste testing festival licenses.

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

READ.

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

The following Joint Order: H.P. 1622

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, legislation establishing a centralized voter registration list.

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

READ.

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

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 the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds" H.P. 1419 L.D. 1863

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-806)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806)**.

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

READ ONCE.

Committee Amendment "A" (H-806) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

H.P. 1477 L.D. 1978

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-807)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-807)**.

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

READ ONCE.

Committee Amendment "A" (H-807) **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:

ENACTORS

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

Act

An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure

H.P. 1514 L.D. 2017
(C "A" H-779)

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:

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Statute

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Abolish the Educational Leave Advisory Board" H.P. 1616 L.D. 2115

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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.

Resolve, to Establish a Commission to Erect a Memorial in Capitol Park to the Victims and Heroes of the September 11, 2001 Tragedy

H.P. 1488 L.D. 1991
(C "A" H-801)

Bill "An Act to Restructure the Advisory Council on Tax-deferred Arrangements"

H.P. 1508 L.D. 2011
(C "A" H-800)

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

Senate

Bill "An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices" S.P. 688 L.D. 1890

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Support Family Farms" S.P. 463 L.D. 1516
(C "A" S-424)

Bill "An Act to Reduce Identity Theft by Requiring Truncated Credit Card Receipts" S.P. 678 L.D. 1880
(C "A" S-426)

Resolve, to Study School Administrative Unit Organization in Maine S.P. 733 L.D. 2043
(C "A" S-428)

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

Sent down for concurrence.

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

On motion by Senator **DAGGETT** of Kennebec, **ADJOURNED**, to Thursday, February 21, 2002, at 10:00 in the morning.

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

SECOND READERS

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

House As Amended

Bill "An Act to Adopt the Canadian Highway Weight Standards" H.P. 400 L.D. 521
(C "A" H-808)

Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement H.P. 1455 L.D. 1952
(C "A" H-804)

Bill "An Act to Amend the Laws Governing Pesticide Control to Increase the Pesticide Product Registration Fee" H.P. 1456 L.D. 1953
(C "A" H-797)

Bill "An Act to Modernize the Procurement Practices at the Department of Transportation" H.P. 1483 L.D. 1984
(C "A" H-798)