

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
Monday
March 11, 2002

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

Prayer by Reverend Linda Gard, First Congregational Christian Church, United Church of Christ in New Gloucester.

REVEREND GARD: Will you pray with me. Oh God of many names, we gather before You in common prayer to seek unity of purpose and harmony of ideals. May today's keen remembrance of devastation and our abiding unease be embraced within Your steadfast love and healed by Your compassion. Weave, Oh God, from the torn threads of our terror, a wide net of goodness and peace, that we may once more look upon our differences as wealth and our hospitality a calling we may answer with joy. Bless the women and men gathered here in this Senate chamber both by Your grace and by the trust of the people of the State of Maine unto their wise and prudent governance. Survey the work being done here. Amend what is mistaken or ill-timed. Inspire, perfect, and fulfill all that is honorable, that together we may live by faith and walk in hope, transformed by Your love for us and renewed in our love for all Your people. Amen.

Pledge of Allegiance led by Senator Norman K. Ferguson of Oxford County.

Doctor of the day, Ray Nichols, M.D. of Jonesport.

Reading of the Journal of Thursday, March 7, 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. 28

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 reporting on the State of the Tribes in Maine and extending to the Honorable Barry Dana, Chief, Penobscot Nation, the Honorable Richard Doyle, Governor, Passamaquoddy Tribe at Pleasant Point, and the

Honorable Richard Stevens, Governor, Passamaquoddy Tribe at Indian Township, an invitation to attend the Convention and make such communication as pleases them.

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. 613

**STATE OF MAINE
120TH LEGISLATURE**

January 23, 2002

Honorable Barry Dana
Chief, Penobscot Nation
6 Indian Road
Indian Island, ME 04468

Dear Chief Dana:

It is our pleasure to invite you to visit the Legislature on Monday, March 11, 2002 to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:30 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and understand that you wish to address the Joint Convention for 15 minutes or less.

In addition we are extending an invitation to Governor Doyle and Governor Stevens of the Passamaquoddy Tribe.

Thank you for your consideration and we look forward to your acceptance of this invitation.

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. 614

**STATE OF MAINE
120TH LEGISLATURE**

January 23, 2002

Sincerely,

Honorable Richard Doyle
Governor, Passamaquoddy Tribe
At Pleasant Point
P.O. Box 343
Perry, ME 04667

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

Dear Governor Doyle:

It is our pleasure to invite you to visit the Legislature on Monday, March 11, 2002 to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:30 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and Governor Stevens and understand that you both wish to address the Joint Convention for a combined speaking time of 15 minutes or less.

In addition we are extending an invitation to Chief Barry Dana of the Penobscot Nation.

Thank you for your consideration and we look forward to your acceptance of this invitation.

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. 615

**STATE OF MAINE
120TH LEGISLATURE**

January 23, 2002

Honorable Richard Stevens
Governor, Passamaquoddy Tribe
At Indian Township
P.O. Box 301
Princeton, ME 04668

Dear Governor Stevens:

It is our pleasure to invite you to visit the Legislature on Monday, March 11, 2002 to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:30 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and Governor Doyle and understand that you both wish to address the Joint Convention for a combined speaking time of 15 minutes or less.

In addition we are extending an invitation to Chief Barry Dana of the Penobscot Nation.

Thank you for your consideration and we look forward to your acceptance of this invitation.

The Following Communication: S.C. 616

**PENOBSCOT INDIAN NATION
OFFICE OF THE GOVERNOR AND COUNCIL
COMMUNITY BUILDING
INDIAN ISLAND, MAINE 04468**

February 11, 2002

Honorable Richard A. Bennett, President of the Senate &
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
3 State House Station
Augusta, Maine 04330

Dear Sirs:

It is with great pleasure that I accept your invitation to visit the Legislature. I will be honored to address the Joint Convention on Monday, March 11, 2002. Thank you again.

Sincerely,

S/Barry Dana, Chief
Penobscot Indian Nation

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 617

**PASSAMAQUODDY TRIBE
JOINT TRIBAL COUNCIL**

March 5, 2002

Honorable Richard A. Bennett
President of the Senate
State of Maine
120th Maine Legislature
2 State House Station
Augusta, ME 04333

Dear Honorable Bennett:

Thank you for your invitation to visit at the Legislature on Monday, March 11, 2002. Both of us are looking forward to attending and speaking at the Joint Convention to be held at the Hall of the House of Representatives at 10:30 a.m.

Cordially yours,

S/Richard M. Doyle, Governor
Passamaquoddy Tribe
Pleasant Point Reservation

S/Richard Stevens, Governor
Passamaquoddy Tribe
Indian Township Reservation

READ and ORDERED PLACED ON FILE.

The Following Communication: S.P. 803

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 7, 2002

Hon. Betty Lou Mitchell
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Hon. Shirley K. Richard
House Chair, Joint Standing Committee on
Education and Cultural Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Ward I. Graffam of Portland for reappointment and Robert S. Walker of Virginia Beach, VA and Capt. Susan J. Clark, Esq. of Cape Elizabeth for appointment as members of the Maine Maritime Academy, Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 804

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 7, 2002

Hon. Betty Lou Mitchell
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Hon. Shirley K. Richard
House Chair, Joint Standing Committee on

Education and Cultural Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Jana LaPointe of Falmouth for reappointment and the Honorable Daniel E. Wathen of Augusta and Kathryn G. Underwood of Portland for appointment as members of the Maine Technical College System, Board of Trustees.

Pursuant to Title 20-A, §12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Following Communication: S.C. 609

**120TH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 6, 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 Judiciary has had under consideration the nomination of Honorable Donald H. Marden of Waterville, for reappointment as a Maine Superior Court Justice.

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:

LEGISLATIVE RECORD - SENATE, MONDAY, MARCH 11, 2002

YEAS Senators 2 Ferguson of Oxford, Rand of Cumberland
Representatives 7 Bull of Freeport, Jacobs of Turner, Madore of Augusta, Mitchell of Vassalboro, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
NAYS Senators 0
Representatives 1 Mendros of Lewiston
ABSENT 3 Rep. LaVerdiere of Wilton, Sen. McAlevey of York, Rep. Muse of South Portland

Nine members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Honorable Donald H. Marden of Waterville, for reappointment as a Maine Superior Court Justice be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 610

**120TH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 7, 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 Judiciary has had under consideration the nomination of John David Kennedy of North Yarmouth, for appointment as a Maine District Court Judge.

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 Ferguson of Oxford, Rand of Cumberland
Representatives 7 Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
NAYS 0
ABSENT 4 Sen. McAlevey of York, Rep. Mendros of Lewiston, Rep. Mitchell of Vassalboro, Rep. Muse of South Portland

Nine 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 John David Kennedy of North Yarmouth, for appointment as a Maine District Court Judge be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 611

**120TH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 7, 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 Judiciary has had under consideration the nomination of Honorable John D. McElwee of Bryant Pond, for appointment as a Maine District Court Judge.

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:

LEGISLATIVE RECORD - SENATE, MONDAY, MARCH 11, 2002

YEAS Senators 2 Ferguson of Oxford, Rand of Cumberland
 Representatives 8 Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
 NAYS 0
 ABSENT 3 Sen. McAlevey of York, Rep. Mendros of Lewiston, Rep. Muse of South Portland

YEAS Senators 2 Ferguson of Oxford, Rand of Cumberland
 Representatives 9 Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Muse of South Portland, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
 NAYS 0
 ABSTAIN 1 Rep. Mendros of Lewiston
 ABSENT 1 Sen. McAlevey of York

Ten 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 Honorable John D. McElwee of Bryant Pond, for appointment as a Maine District Court Judge be confirmed.

Eleven 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 Honorable John B. Beliveau of Lewiston, for reappointment as a Maine District Court Judge be confirmed.

Signed,

Signed,

S/Anne M. Rand
 Senate Chair

S/Charles C. LaVerdiere
 House Chair

S/Anne M. Rand
 Senate Chair

S/Charles C. LaVerdiere
 House Chair

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

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

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

The Following Communication: S.C. 612

The Following Communication: S.C. 606

**120TH LEGISLATURE
 COMMITTEE ON JUDICIARY**

**120TH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2002

March 7, 2002

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

The Honorable Richard A. Bennett, President
 The Honorable Michael V. Saxl, Speaker
 120th Maine Legislature
 State House
 Augusta, ME 04333

Dear Mr. President:

Dear President Bennett and Speaker Saxl:

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 Judiciary has had under consideration the nomination of Honorable John B. Beliveau of Lewiston, for reappointment as a Maine District Court Judge.

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on State and Local Government from the review and evaluation of the Maine State Planning Office under the State Government Evaluation Act. The committee finds that the State Planning Office is operating within its statutory authority.

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:

Sincerely,

S/Sen. Peggy Pendleton
Senate Chair

S/Rep. John McDonough
Acting House Chair

Sincerely,

READ and with accompanying papers ORDERED PLACED ON FILE.

S/Sen. Peggy Pendleton
Senate Chair

S/Rep. John McDonough
Acting House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 607

**120TH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on State and Local Government from the review and evaluation of the Office of the State Treasurer under the State Government Evaluation Act. The committee finds that the Office of the State Treasurer is operating within its statutory authority.

Sincerely,

S/Sen. Peggy Pendleton
Senate Chair

S/Rep. John McDonough
Acting House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 618

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

March 7, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business and Economic Development from the review and evaluation of the Finance Authority of Maine under the State Government Evaluation Act. In its review, the committee found that FAME is operating within its statutory authority.

Sincerely,

S/Sen. Kevin Shorey
Senate Chair

S/Rep. John Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 608

**120TH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2002

The Honorable Richard A. Bennett, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on State and Local Government from the review and evaluation of the Maine Municipal Bond Bank under the State Government Evaluation Act. The committee finds that the bond bank is operating within its statutory authority.

At this point a message was received from the House of Representatives, borne by Representative COLWELL of Gardiner informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 10:30 in the morning for the purpose of reporting on the State of the Tribes in Maine and extending to the Honorable Barry Dana, Chief, Penobscot Nation, the Honorable Richard Doyle, Governor, Passamaquoddy Tribe at Pleasant Point, and the Honorable Richard Stevens, Governor, Passamaquoddy Tribe at Indian Township, an invitation to attend the Convention and to make such communication as please them.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator O'GARA for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies"

S.P. 753 L.D. 2090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-457)**.

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

READ ONCE.

Committee Amendment "A" (S-457) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education to Provide Adult Education and Other Support Services

S.P. 687 L.D. 1889

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-456)**.

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

READ ONCE.

Committee Amendment "A" (S-456) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **LABOR** on Joint Order - Establishing the Commission to Study Issues Concerning School Bus Drivers

S.P. 756

Reported that the same **Pass**.

Signed:

Senator:
EDMONDS of Cumberland

Representatives:
BUNKER of Kossuth Township
MATTHEWS of Winslow
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren

TARAZEWICH of Waterboro
CRESSEY of Baldwin

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

Signed:

Senators:
SAWYER of Penobscot
TURNER of Cumberland

Representatives:
TREADWELL of Carmel
MacDOUGALL of North Berwick
DAVIS of Falmouth

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **TO PASS** Report.

SECOND READERS

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

House As Amended

Bill "An Act Regarding Conversions of Nonprofit Entities to For-profit Entities"

H.P. 1307 L.D. 1770
(C "A" H-869)

Bill "An Act to Appropriate Funds for the Seeds of Peace International Camp Scholarships and Property Tax Payment"
H.P. 1434 L.D. 1931
(C "A" H-859)

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

Senate As Amended

Bill "An Act to Implement the Recommendations of the Health Care Workforce Steering Committee"

S.P. 711 L.D. 1913
(C "A" S-454)

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites"

S.P. 657 L.D. 1849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-458)**.

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

READ ONCE.

Committee Amendment "A" (S-458) **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

Ought to Pass As Amended

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Expedite Employment in Maine Industry"

S.P. 741 L.D. 2066

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-459)**.

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

READ ONCE.

Committee Amendment "A" (S-459) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate at Ease.

Senate called to order by the President.

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

ORDERS OF THE DAY

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

NOMINATION - of the Honorable Donald H. Marden of Waterville, for reappointment as a Maine Superior Court Justice

Tabled - March 11, 2002, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 11, 2002, Communication (S.C. 609) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#236)

YEAS: Senators: None

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

ABSENT: Senators: **LONGLEY, MARTIN, MILLS, NUTTING, ROTUNDO, SAWYER**

No Senator having voted in the affirmative and 28 Senators having voted in the negative, with 6 Senators being absent, 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 the Honorable **Donald H. Marden** of Waterville, for reappointment as a Maine Superior Court Justice was **CONFIRMED**.

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

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

NOMINATION - of John David Kennedy of North Yarmouth, for appointment as a Maine District Court Judge

Tabled - March 11, 2002, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 11, 2002, Communication (S.C. 610) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#237)

YEAS: Senators: None

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

ABSENT: Senators: LONGLEY, MARTIN, MILLS, NUTTING, ROTUNDO, SAWYER

No Senator having voted in the affirmative and 28 Senators having voted in the negative, with 6 Senators being absent, 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 **John David Kennedy** of North Yarmouth, for appointment as a Maine District Court Judge was **CONFIRMED**.

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

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

NOMINATION - of the Honorable John D. McElwee of Bryant Pond, for appointment as a Maine District Court Judge

Tabled - March 11, 2002, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 11, 2002, Communication (S.C. 611) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#238)

YEAS: Senators: None

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

ABSENT: Senators: LONGLEY, MILLS, NUTTING, SAWYER

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, 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 the Honorable **John D. McElwee** of Bryant Pond, for appointment as a Maine District Court Judge was **CONFIRMED**.

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

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

NOMINATION - of the Honorable John B. Beliveau of Lewiston, for reappointment as a Maine District Court Judge

Tabled - March 11, 2002, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 11, 2002, Communication (S.C. 612) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#239)

YEAS: Senators: None

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

ABSENT: Senators: **LONGLEY, MILLS, NUTTING, SAWYER**

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent, 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 the Honorable **John B. Beliveau** of Lewiston, for reappointment as a Maine District Court Judge was **CONFIRMED**.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism"

H.P. 1656 L.D. 2164

Comes from the House, **REFERRED** to the Committees on **HEALTH AND HUMAN SERVICES** and **JUDICIARY** and ordered printed.

REFERRED to the Committees on **HEALTH AND HUMAN SERVICES** and **JUDICIARY** 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

Resolve, to Allow Julie Harrington to Sue the State

H.P. 1659 L.D. 2165

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1660

**JOINT RESOLUTION RECOGNIZING THE FIRST FORMAL
"STATE OF THE TRIBES" ADDRESS TO A
JOINT CONVENTION OF THE MAINE LEGISLATURE**

WHEREAS, the Wabanaki, People of the Dawnland, have lived in what is now Maine for thousands of years; and

WHEREAS, the Wabanaki, including the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs, have played and continue to play a vital role in the life of the State and are an integral part of the social, economic and legal fabric of the State; and

WHEREAS, the State values and honors the vibrant culture and heritage of these native peoples and has great respect for their tribal governments; and

WHEREAS, representatives of the Passamaquoddy Tribe and Penobscot Nation have served in the Legislature since the earliest days of Maine's statehood; and

WHEREAS, no tribe has ever delivered a formal "State of the Tribes" address to a joint convention of the Legislature and doing so is a truly historic occasion; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, on behalf of the people of the State of Maine make history as we recognize March 11, 2002 as the date of the first ever "State of the Tribes" address at the Legislature; and be it further

RESOLVED: That the One Hundred and Twentieth Legislature pays tribute to the native peoples of the State and their tribal governments; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governors and Chiefs of each of the State's Wabanaki communities on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, 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 **CRIMINAL JUSTICE** on Bill "An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States"

H.P. 526 L.D. 681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-862)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-862)**.

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

READ ONCE.

Committee Amendment "A" (H-862) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Improve the Health of Maine Citizens Through Hepatitis C Prevention and Detection

H.P. 1414 L.D. 1858

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-860)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**.

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

READ ONCE.

Committee Amendment "A" (H-860) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act to Clarify the Status of Retirees Who Return to Service Under the Maine State Retirement System"

H.P. 1469 L.D. 1970

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-874)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874)**.

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

READ ONCE.

Committee Amendment "A" (H-874) **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 **CRIMINAL JUSTICE** on Bill "An Act Regarding Criminal History Record Checks"
H.P. 1486 L.D. 1989

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-863)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863)**.

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

READ ONCE.

Committee Amendment "A" (H-863) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE** on Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State (EMERGENCY)
H.P. 1499 L.D. 2002

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-861)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861)**.

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

READ ONCE.

Committee Amendment "A" (H-861) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish the Asthma Prevention and Control Program in the Department of Human Services, Bureau of Health"
H.P. 1495 L.D. 1998

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-877)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-877)**.

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

READ ONCE.

Committee Amendment "A" (H-877) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Human Services to Apply for a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer
H.P. 1497 L.D. 2000

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-876)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-876)**.

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

READ ONCE.

Committee Amendment "A" (H-876) **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 **CRIMINAL JUSTICE** on Bill "An Act to Clarify the Sex Offender Registration and Notification Act of 1999" (EMERGENCY)

H.P. 1518 L.D. 2022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-865)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-865)**.

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

READ ONCE.

Committee Amendment "A" (H-865) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act to Make Certain Changes to the State's Child Support Enforcement Laws"

H.P. 1521 L.D. 2025

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-868)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)**.

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

READ ONCE.

Committee Amendment "A" (H-868) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act to Protect Retirement Income"

H.P. 1503 L.D. 2006

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-873)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-873)**.

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

READ ONCE.

Committee Amendment "A" (H-873) **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 **CRIMINAL JUSTICE** on Bill "An Act Regarding the Administration of Epinephrine by Emergency Medical Personnel"

H.P. 1536 L.D. 2039

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-864)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-864)**.

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

READ ONCE.

Committee Amendment "A" (H-864) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Subdivision Review Criteria for Traffic"

H.P. 1576 L.D. 2082

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-867)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-867)**.

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

READ ONCE.

Committee Amendment "A" (H-867) **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:

Emergency Measure

An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat
H.P. 1467 L.D. 1968
(C "A" H-844)

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator **DOUGLASS:** Mr. President, men and women of the Senate, I realize that this is a unanimous bill. This bill does not require us to discuss or debate, but I did want to put on the record my congratulations and my thanks to the members of the Committee on Inland Fisheries and Wildlife for rectifying what I saw as an oversight in the law, that is the prohibiting of snowmobiles from driving over open water. Many constituents in my area had asked me to pursue this as a bill. It didn't actually come to pass in that way, but I want to thank the Committee for working on this and for helping my constituents by protecting their waters. Thank you.

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Measure

An Act to Provide Retirement Equity for Capital Security Officers
H.P. 1524 L.D. 2028
(C "A" H-846)

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

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

ENACTORS

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

Emergency Measure

An Act to Make the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs Optional
H.P. 1552 L.D. 2055
(C "A" H-853)

On motion by Senator **MILLS** of Somerset, **TABLED 1** Legislative Day, pending **ENACTMENT**, in concurrence.

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:

Acts

An Act Regarding Certain Educational Requirements for Licensed Social Workers
S.P. 709 L.D. 1911
(C "B" S-435)

An Act to Clarify Municipal Reapportionment Authority
H.P. 1446 L.D. 1943
(C "A" H-850)

An Act to Amend Certain Statutes Regarding Beano and Games of Chance
H.P. 1512 L.D. 2015
(C "A" H-848)

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

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:

Resolve

Resolve, to Establish a Fatherhood Issues Study Commission
H.P. 370 L.D. 472
(C "B" H-852)

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

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:

Senate As Amended

Bill "An Act Regarding the Deferment of Loan Repayments for
Remediation of Waste Oil Sites"
S.P. 657 L.D. 1849
(C "A" S-458)

Resolve, Directing the Department of Education to Provide Adult
Education and Other Support Services
S.P. 687 L.D. 1889
(C "A" S-456)

Bill "An Act to Expedite Employment in Maine Industry"
S.P. 741 L.D. 2066
(C "A" S-459)

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

Sent down for concurrence.

Bill "An Act to Clarify the Law Governing Unlawful Solicitation to
Benefit Law Enforcement Agencies"
S.P. 753 L.D. 2090
(C "A" S-457)

READ A SECOND TIME.

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until
Later in Today's Session, pending **PASSAGE TO BE
ENGROSSED AS AMENDED.**

On motion by Senator **CARPENTER** of York, **ADJOURNED** to
Tuesday, March 12, 2002, at 10:00 in the morning.