

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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  
March 26, 2002

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

Prayer by Reverend J. John Keggi, SOSc, St. Mark's Episcopal Church in Augusta.

**REVEREND KEGGI:** Here are the words of David, the son of Jesse. These are the last words of David. 'The spirit of the Lord speaks by me, his word is upon my tongue. The God of Israel has spoken. The rock of Israel has said to me, when one rules justly over men, ruling in a fear of God, he dawns on them like a morning light, like a sun shining forth upon a cloudless morning, like rain that makes grass to sprout from the earth. Yea, does not my house stand so with God. For he has made with me an everlasting covenant, ordered in all things and secure. For will he not cause to prosper all my help and my desire. For Godless men are like the thorns that are thrown away, for they cannot be taken with the hand. But the man who touches them, arms himself with iron and the shaft of a spear and they are utterly consumed with fire.'

And from the prophet Micah, 'with what shall I come before the Lord and bow myself before God on high. Shall I come before him with burnt offering. With calves a year old. Would the Lord be pleased with thousands of rams with ten thousand rivers of oil. Shall I give my first born for my transgressions, the fruit of my body for a sin of my soul. He has showed you, old man, what is good and what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God.'

Do you sometimes wonder why you begin with a prayer? I wonder sometimes why I am here once a year, or there about, and across the way here. Now shouldn't we, under the heading of separation of church and state, let you attend to the real life and send me back there, a few blocks up the street, to St. Mark's to get the souls of my parishioners to heaven? The church and state. But you know, state is an abstraction. State is nothing. You can't show me the state. You can show me the emblems of a state. You can show me a map of a state. You can take me up on a satellite and show me a patch of land that represents where a state resides. But you can't show me the state. The state is an abstraction. So is the church, by the way. But you are not an abstraction. You are real. You are a person. You are children of God. You are, in a way, when the King said 'l'État c'est moi!' he was not all that wrong because 'l'État c'est vous!'. 'l'État c'est moi!' It is all of us. Our state. You are the people called to do justice, to love righteousness, and to do justice. To do what is right. Yet you have another high calling, a high calling in politics and politics is the art of the possible that is practiced by the tools of compromise. Though it is a high calling, it is a calling that is in a mighty dangerous territory because, if left to your own devices, that is where human failure and sinfulness take over. That is where human failure and sinfulness can be devastating. Do not do some abstract thing like a state but offer very concrete, real

people, flesh and blood and children of God. It's a high and dangerous calling, which you cannot navigate by your own devices, but only with the help of God. That is why we pray. Let us give thanks for this nation and for this state.

Oh, mighty God, giver of all good things. We thank You for the natural majesty and beauty of this land that restores us, though we often destroy them. Heal us, Lord. We thank You for the great resources of this nation and of this state. They make us rich, though we often exploit them. Forgive us, Lord. We thank You for men and women who have made this country and this state strong. They are models for us, though we often fall short of them. Inspire us, Lord. We thank You for the torch of liberty that has been lit in this land. It has drawn people from every nation, though we have often hidden it from sight. Enlighten us, Lord. We thank You for a faith that we have inherited in its rich variety. It sustains our life, though we have been faithless again and again. Renew us, Lord. Help us, oh Lord, to finish the good work here begun. Strengthen our efforts to block ignorance and prejudice and abolish poverty and crime and hasten the day when all people, with many voices in one united chorus will glorify Your holy name. Amen.

Doctor of the day, John Braxton, M.D. of Cape Elizabeth.

Reading of the Journal of Monday, March 25, 2002.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Biomedical Research and Development Equipment and Infrastructure"

H.P. 1696 L.D. 2194

In Senate, March 21, 2002, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1004)**, in **NON-CONCURRENCE**.

On motion by Senator **SHOREY** of Washington, the Senate **RECEDED** and **CONCURRED**.

Joint Order

The following Joint Order: H.P. 1707

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the House, legislation to modify both the valuation portion and the student enrollment portion of the school funding formula.

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

**READ.**

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

---

**Joint Resolution**

The following Joint Resolution: H.P. 1706

**JOINT RESOLUTION COMMEMORATING MARCH 25TH AS GREEK INDEPENDENCE DAY**

WHEREAS, on March 25, 1821, the Feast Day of the Annunciation, the Greek nation reclaimed its ancient heritage as the "Cradle of Democracy" by throwing off the yoke of oppression that had enslaved its people since the fall of Constantinople in 1453. Conquered by the Ottoman Turks in the 15th century, Greece waged a successful War of Independence, 1821-1829, and reinstated a democratic form of government; and

WHEREAS, it was the genius of Greece that first ignited the flame of freedom in the 6th and 5th centuries B.C., when Athens introduced the idea of direct representative government to the world, thus ushering in a Golden Age of art, architecture, philosophy and drama under such giants of Western history as Pericles, Sophocles, Euripides, Socrates, Pythagoras, Hippocrates and Plato; and

WHEREAS, from a historical perspective, Greece was the host to the first modern Olympic Games in 1896 and is the home to the Theological School of Halki, an educational institution for Orthodox Christian leadership; and

WHEREAS, Greece is only one of 3 nations in the world, beyond the former British Empire, that have been allied with our nation in every major international conflict in the last 100 years; and

WHEREAS, America's founders drew heavily upon the political experience and philosophy of ancient Greece in forming our representational democracy, and these and other ideals have forged a close bond between our 2 modern nations; and

WHEREAS, the State of Maine would like to join its thousands of residents of Greek ancestry who are justly proud of their Greek heritage to recognize Greek Independence Day as a gesture of goodwill and recognition of the close bond between our 2 nations and their people; 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, commemorate March 25th as Greek Independence Day as we all celebrate Greek and American democracy; and be it further

RESOLVED: That on this day of national celebration, we pause to applaud all of the efforts involved in the reopening of the Theological School of Halki and extend our best wishes to the citizens of Greece as they prepare for the return of the Olympic Games to Athens in the year 2004; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Ambassador of Greece to the United States in Washington, D.C. and to the Consulate General of Greece in Boston, Massachusetts, as a symbol of our recognition of Greek Independence Day.

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

**READ.**

On motion by Senator **KILKELLY** of Lincoln, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

---

**COMMUNICATIONS**

The Following Communication: S.C. 679

**120<sup>TH</sup> LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 25, 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 Natural Resources has had under consideration the nomination of Ernest W. Hilton of Starks, for reappointment to the Board of Environmental Protection.

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	1	Sawyer of Penobscot
	Representatives	8	Annis of Dover-Foxcroft, Clark of Millinocket, Cowger of Hallowell, Crabtree of Hope, Duplessie of Westbrook, Koffman of Bar Harbor, Tobin of Windham, Twomey of Biddeford

NAYS		0	
------	--	---	--

ABSENT 4 Rep. Baker of Bangor, Rep. Daigle of Arundel, Sen. Martin of Aroostook, Sen. Shorey of Washington

120<sup>TH</sup> LEGISLATURE COMMITTEE ON NATURAL RESOURCES

March 25, 2002

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 Ernest W. Hilton of Starks, for reappointment to the Board of Environmental Protection, be confirmed.

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

Signed,

Dear Mr. President:

S/John L. Martin Senate Chair S/Scott W. Cowger House Chair

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 Natural Resources has had under consideration the nomination of Nancy C. Ziegler of South Portland, for appointment to the Board of Environmental Protection.

READ and ORDERED PLACED ON FILE.

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:

The President laid before the Senate the following: "Shall the recommendation of the Committee on NATURAL RESOURCES be overridden?"

Table with 4 columns: YEAS, Senators, Representatives, and names of members. YEAS: 2 Senators (Martin of Aroostook, Sawyer of Penobscot), 9 Representatives (Annis of Dover-Foxcroft, Clark of Millinocket, Cowger of Hallowell, Crabtree of Hope, Daigle of Arundel, Duplessie of Westbrook, Koffman of Bar Harbor, Tobin of Windham, Twomey of Biddeford).

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

Table with 4 columns: NAYS, ABSENT, and names of members. NAYS: 0. ABSENT: 2 (Rep. Baker of Bangor, Sen. Shorey of Washington).

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#269)

YEAS: Senators: None
NAYS: Senators: BRENNAN, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

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 Nancy C. Ziegler of South Portland, for appointment to the Board of Environmental Protection, be confirmed.

ABSENT: Senators: DOUGLASS, LONGLEY, NUTTING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Ernest W. Hilton of Starks, for reappointment to the Board of Environmental Protection was CONFIRMED.

Signed,

S/John L. Martin Senate Chair S/Scott W. Cowger House Chair

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

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on NATURAL RESOURCES be overridden?"

The Following Communication: S.C. 680

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#270)**

YEAS: Senators: None

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

ABSENT: Senators: DOUGLASS, LONGLEY, NUTTING

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Nancy C. Ziegler** of South Portland, for appointment to the Board of Environmental Protection was **CONFIRMED**.

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

---

**ORDERS**

**Joint Resolution**

On motion by Senator **LaFOUNTAIN** of York (Under suspension of the rules, cosponsored by Representative O'NEIL of Saco, Senators: SMALL of Sagadahoc, DOUGLASS of Androscoggin, Representatives: DUDLEY of Portland, SULLIVAN of Biddeford, CANAVAN of Waterville, MARRACHÉ of Waterville, SMITH of Van Buren, MAYO of Bath, GLYNN of South Portland, YOUNG of Limestone, MICHAEL of Auburn), the following Joint Resolution: S.P. 823

**JOINT RESOLUTION RECOGNIZING  
MAINE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are member-owned and member-operated financial institutions that are committed to serving Maine's communities from Madawaska to York and the more than half million Maine consumers that belong to credit unions; and

WHEREAS, as testimony to the unwavering dedication, service and unique local commitment on the part of Maine's credit unions to its members and the communities they serve, Maine ranks as the 5th strongest credit union state in the country, with nearly one in every 2 Maine residents belonging to a credit union; and

WHEREAS, over 1,500 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers that serve on credit union boards and committees uphold the core credit union values and philosophy of Maine people helping Maine people; and

WHEREAS, Maine's credit unions and their members have raised more than \$1,100,000 to help end hunger in Maine. The Maine Credit Union's Campaign for Ending Hunger has helped to provide food and resources to thousands of Maine families. Maine's credit unions also have raised hundreds of thousands of dollars to provide joy and energy to the lives of the many Maine Special Olympians across the State. Additionally, Maine's credit unions voluntarily contribute thousands of dollars to organizations and agencies in their own communities and donate countless hours on a daily basis to enrich the lives of the citizens in the communities in which they serve; and

WHEREAS, since 1921, Maine's credit unions have been a vital part of the economic fabric of Maine's communities and have played a central role in helping thousands of Maine people to prosper and to succeed in all parts of the State, and now credit unions capture the true spirit of our great State and provide a sense of community where friends and neighbors help friends and neighbors fulfill their dreams; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, take this occasion to recognize the Maine Credit Union League and credit unions for having a positive impact on the lives of Maine's citizens and their communities yesterday, today and tomorrow. Their service and dedication to this State are a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 76 affiliated credit unions.

**READ.**

On motion by Senator **LAFOUNTAIN** of York, **TABLED 1** Legislative Day, pending **ADOPTION**.

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass  
Pursuant to Joint Order**

The Committee on **HEALTH AND HUMAN SERVICES** on Joint Order Directing the Joint Standing Committee on Health and Human Services to report out a Bill Directing the Bureau of Insurance to Adopt Rules Requiring the Issuance of Standardized Prescription Drug Cards Following the Model of the National Council for Prescription Drug Programs by all Health Coverage Providers Beginning With Cards Issued on or after January 1, 2003

H.P. 1680

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED**.

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

**PASSED**, in concurrence.

---

**Ought to Pass As Amended  
Pursuant to Joint Study Order**

The Committee on **HEALTH AND HUMAN SERVICES** on Joint Study Order to Study the Creation of a Registry of Personal Care Attendants

H.P. 1671

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1008)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1008)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1008) **READ** and **ADOPTED**, in concurrence.

On motion by President Pro Tem **MICHAUD** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE AS AMENDED**, in concurrence.

---

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Assist the Maine Lead Advisory Council in Testing High-risk Children for Lead Poisoning"

H.P. 1535 L.D. 2038

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1007)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1007)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1007) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1007)**, in concurrence.

---

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Maine Citizens in Recovery from Drug Addiction Equal Access to Public Assistance"

H.P. 1665 L.D. 2170

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1003)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1003)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1003) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1003)**, in concurrence.

---

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact" (EMERGENCY)

H.P. 1666 L.D. 2171

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1006)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1006) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**, in concurrence.

---

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Essential Programs and Services"

H.P. 1602 L.D. 2103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1002).**

Signed:

Senators:

MITCHELL of Penobscot  
NUTTING of Androscoggin  
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison  
DESMOND of Mapleton  
WATSON of Farmingdale  
ESTES of Kittery  
CUMMINGS of Portland  
STEDMAN of Hartland  
ANDREWS of York  
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

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-1002).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-1002) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1002)**, in concurrence.

---

Senate

Ought to Pass As Amended

Senator **LONGLEY** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Improve Access to Prescription Drugs for the Elderly"

S.P. 777 L.D. 2113

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-506).**

On motion by Senator **LONGLEY** of Waldo, Report **READ** and **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-506) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-506).**

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Strengthen the Certificate of Need Law"

S.P. 619 L.D. 1799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-507).**

Signed:

Senators:

**LONGLEY** of Waldo  
**MARTIN** of Aroostook

Representatives:

**KANE** of Saco  
**DUGAY** of Cherryfield  
**FULLER** of Manchester  
**SHIELDS** of Auburn  
**BROOKS** of Winterport  
**LAVERRIERE-BOUCHER** of Biddeford  
**DUDLEY** of Portland

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

Signed:

Senator:

**TURNER** of Cumberland

Representatives:

**O'BRIEN** of Augusta  
**NUTTING** of Oakland

Reports **READ.**



Senator **TURNER** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

---

**ENACTORS**

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

**Emergency Measure**

An Act to Strengthen Energy Conservation

H.P. 330 L.D. 420  
(C "A" H-961)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

---

**Emergency Measure**

An Act to Conform Maine Tax Law to the Federal Mobile Telecommunications Sourcing Act

S.P. 667 L.D. 1871  
(C "A" S-481)

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.

---

**Emergency Measure**

An Act to Provide Full Utility of Retired School Buildings

H.P. 1615 L.D. 2114  
(C "A" H-940)

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.

**Emergency Resolve**

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

H.P. 1625 L.D. 2125

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a Major Substantive Rule of the Department of Conservation

H.P. 1632 L.D. 2135  
(C "A" H-959)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation

H.P. 1636 L.D. 2139

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

**Acts**

An Act to Amend the Laws of the Board of Barbering and Cosmetology

H.P. 1107 L.D. 1476  
(C "B" H-932)

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 26, 2002

An Act to Create the Washington County Development Authority  
S.P. 541 L.D. 1672  
(H "B" H-967 to C "A" S-468)

An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects, Engineers and Other Professionals Whose Services Do Not Exceed \$25,000 in Value  
H.P. 1427 L.D. 1865  
(C "A" H-826)

An Act to Ensure the Safety of Maine Children While Riding in a Vehicle  
H.P. 1421 L.D. 1867  
(C "A" H-896)

An Act Concerning Rules of the Bureau of Parks and Lands  
S.P. 720 L.D. 1922  
(C "A" S-480)

An Act to Amend the Law Regarding Severance Pay  
H.P. 1498 L.D. 2001  
(C "A" H-948)

An Act Regarding Site Selection Criteria for Parking for State Facilities  
H.P. 1557 L.D. 2059  
(C "A" H-916)

An Act to Encourage Regionalism in Municipal Growth Management  
H.P. 1588 L.D. 2094  
(C "A" H-951)

An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare  
H.P. 1638 L.D. 2141  
(C "A" H-963)

An Act to Implement the Recommendations of the Commission to Study Assisted Living  
H.P. 1697 L.D. 2195

**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 Address the Health Coverage Crisis for Maine's Small Businesses and Self-employed Persons  
H.P. 1324 L.D. 1784  
(C "A" H-970)

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

---

An Act to Create the Office of Maine-Canada Trade Ombudsman  
H.P. 1505 L.D. 2008  
(H "A" H-809 to C "A" H-791)

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

---

An Act to Establish the Community Preservation Advisory Committee  
H.P. 1565 L.D. 2070  
(C "A" H-950)

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

---

An Act to Establish the Maine Public Library of Geographic Information  
H.P. 1617 L.D. 2116  
(C "A" H-952)

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

---

An Act Concerning Disability Retirement Benefits under the Maine State Retirement System  
S.P. 816 L.D. 2197

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

---

**Resolves**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland  
S.P. 675 L.D. 1878  
(C "A" S-482)

**FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

---

Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education  
H.P. 1633 L.D. 2136  
(C "A" H-954)

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

\_\_\_\_\_  
Off Record Remarks

\_\_\_\_\_  
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.

\_\_\_\_\_

Senator **DAGGETT** of Kennebec was granted unanimous consent to address the Senate off the Record.

\_\_\_\_\_

Senator **TURNER** 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.

\_\_\_\_\_

On motion by President Pro Tem **MICHAUD** of Penobscot, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

\_\_\_\_\_

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Majority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands"

H.P. 1599 L.D. 2100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-974)**.

Signed:

Senators:

**RAND** of Cumberland  
**FERGUSON** of Oxford

Representatives:

**LaVERDIERE** of Wilton  
**BULL** of Freeport  
**JACOBS** of Turner  
**MITCHELL** of Vassalboro  
**SIMPSON** of Auburn  
**SHERMAN** of Hodgdon  
**MENDROS** of Lewiston

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

Signed:

Senator:

**McALEVEY** of York

Representatives:

**MUSE** of South Portland  
**MADORE** of Augusta  
**WATERHOUSE** of Bridgton

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-974)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-974) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

\_\_\_\_\_

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act" H.P. 1676 L.D. 2177

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.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1708

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Utilities and Energy report out, to the House, legislation to amend the charter of the Winterport Water District to increase its debt limit.

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

**READ** and **PASSED**, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Relating to Development Districts"

S.P. 725 L.D. 1966  
(S "A" S-503 to C "A" S-441)

In House, March 5, 2002, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

In Senate, March 25, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-441) AS AMENDED BY SENATE AMENDMENT "A" (-503)** thereto, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

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

---

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Strengthen the Laws Governing Inspections of Boilers, Pressure Vessels, Elevators and Tramways"

H.P. 1553 L.D. 2056

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1010)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1010)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1010) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1010)**, in concurrence.

---

The Committee on **TAXATION** on Bill "An Act to Expand the Maine Seed Capital Tax Credit Program"

H.P. 1509 L.D. 2012

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1014)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1014)**.

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

**READ ONCE**.

Committee Amendment "A" (H-1014) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1014)**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Fairly Assess Sales Tax on Vehicles"

H.P. 1620 L.D. 2122

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1013)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1013)**.

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

**READ ONCE.**

Committee Amendment "A" (H-1013) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1013)**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1703

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Criminal Justice report out, to the House, a bill adding a representative of a statewide association of fire chiefs to the Emergency Medical Services' Board.

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

**READ.**

On motion by Senator **MCALLEVEY** of York, **TABLED 1** Legislative Day, pending **PASSAGE**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

**HOUSE REPORTS** - from the Committee on **LABOR** on Bill "An Act Regarding the Payment of Severance Pay"

H.P. 1551 L.D. 2054

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-929)** (8 members)

Report "**B**" - **Ought Not to Pass** (4 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment by Committee Amendment "B" (H-930)** (1 member)

In House, March 19, 2002, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-929)**.

In Senate, March 22, 2002, Report "**B**", **OUGHT NOT TO PASS** **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **TURNER** of Cumberland moved the Senate **INSIST**.

On motion by Senator **EDMONDS** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **TURNER** of Cumberland to **INSIST**.

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 Amend the Maine Overtime Pay Provisions Regarding Certain Drivers and Drivers' Helpers

H.P. 1611 L.D. 2108  
(C "A" H-999)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator 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.

**Emergency Resolve**

Resolve, to Provide Access to Personal Care Assistant Home Care Services

H.P. 1437 L.D. 1934  
(C "A" H-997)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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

**ENACTORS**

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

**Acts**

An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes

S.P. 671 L.D. 1874  
(C "A" S-432)

An Act Regarding the Repatriation of Native American Remains

H.P. 1443 L.D. 1940  
(C "A" H-975)

An Act to Ban the Use of Aircraft While Hunting

S.P. 746 L.D. 2078  
(C "B" S-483)

**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:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Safeguard Volunteer Firefighters' Regular Employment"  
H.P. 1449 L.D. 1946

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-947)**.

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

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

Signed:

Senators:

TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

TREADWELL of Carmel  
MacDOUGALL of North Berwick  
DAVIS of Falmouth  
CRESSEY of Baldwin

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 "B" (H-947)**.

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

JOINT ORDER - Relative to Directing the Joint Standing Committee on Legal and Veterans Affairs to Report Out Legislation Regarding Reimbursement for Stolen Lottery Tickets  
H.P. 1699

In House, March 20, 2002, **READ** and **PASSED**.

In Senate, March 22, 2002, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **SMALL** of Sagadahoc, the Senate **ADHERED**.

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks"

S.P. 686 L.D. 1888  
(S "A" S-466)

In Senate, March 14, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-466)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1005)**, in **NON-CONCURRENCE**.

On motion by Senator **SHOREY** of Washington, the Senate **RECEDED** and **CONCURRED**.

---

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

---

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1705

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Marine Resources report out, to the House, a bill dealing with one-time license transfers of sea urchin drag licenses.

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

**READ** and **PASSED**, 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 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 (3/25/02) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Implement the Minority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands"

H.P. 1600 L.D. 2101

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-973)** (4 members)

Tabled - March 25, 2002, by Senator **RAND** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

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

(In Senate, March 25, 2002, Reports **READ**.)

On motion by Senator **RAND** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE**.

Committee Amendment "A" (H-973) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973)**, in **NON-CONCURRENCE**.

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

---

The Chair laid before the Senate the following Tabled and Later (3/25/02) Assigned matter:

Bill "An Act Providing for the Supply of Water to the City of Brewer"

S.P. 794 L.D. 2147  
(C "A" S-498)

Tabled - March 25, 2002, by Senator **FERGUSON** of Oxford

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-498)**

(In Senate, March 25, 2002, Report **READ** and **ACCEPTED**.  
**READ ONCE**. Committee Amendment "A" (S-498) **READ** and  
**ADOPTED**.)

On motion by Senator **YOUNGBLOOD** of Penobscot, the Senate  
**RECONSIDERED** whereby it **ADOPTED** Committee Amendment  
"A" (S-498).

On further motion by same Senator, Senate Amendment "A" (S-  
510) to Committee Amendment "A" (S-498) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from  
Penobscot, Senator Youngblood.

Senator **YOUNGBLOOD:** Thank you, Mr. President. This  
amendment merely changes L.D. 2147, 'An Act to Provide to the  
City of Brewer,' by putting an emergency preamble on it. A  
requirement of a referendum was put on it by the Utilities  
Committee and that was fine with everyone. They would like to  
have that referendum as part of the June primary and the only  
way to be able to do that is with an emergency preamble. It will  
save the city some \$5,000 and ensure a greater turn out,  
obviously, to vote on this issue. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-  
510) to Committee Amendment "A" (S-498) **ADOPTED**.

Committee Amendment "A" (S-498) as Amended by Senate  
Amendment "A" (S-510) thereto, **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (S-498) AS AMENDED BY SENATE  
AMENDMENT "A" (S-510)** thereto.

Sent down for concurrence.

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

The President appointed the Senator from Somerset, Senator  
**MILLS**, to serve as President Pro Tem for the session on  
Wednesday, March 27, 2002.

---

Off Record Remarks

---

On motion by Senator **SHOREY** of Washington, **RECESSED**  
until 5:00 in the evening.

After Recess

Senate called to order by the President.

---

Off Record Remarks

---

Senator **GOLDTHWAIT** of Hancock was granted unanimous  
consent to address the Senate off the Record.

---

**ORDERS OF THE DAY**

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate  
removed from the **SPECIAL APPROPRIATIONS TABLE** the  
following:

**Emergency Measure**

An Act to Separate Territory from the Town of Falmouth and  
Annex it to the City of Portland

S.P. 499 L.D. 1586  
(C "A" S-416)

Tabled - February 26, 2002, by Senator **GOLDTHWAIT** of  
Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 19, 2002, **PASSED TO BE ENGROSSED  
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416)**.)

(In House, February 26, 2002, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the  
affirmative vote of 26 Members of the Senate, with no Senators  
having voted in the negative, and 26 being more than two-thirds  
of the entire elected Membership of the Senate, was **PASSED  
TO BE ENACTED** and having been signed by the President, was  
presented by the Secretary to the Governor for his approval.

---

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate  
removed from the **SPECIAL APPROPRIATIONS TABLE** the  
following:

An Act to Give the Maine Technical College System Limited  
Revenue Bonding Authority

H.P. 1362 L.D. 1819

Tabled - January 22, 2002, by Senator **CATHCART** of  
Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, January 11, 2002, **PASSED TO BE ENGROSSED**, in  
concurrence.)

(In House, January 18, 2002, **PASSED TO BE ENACTED**.)

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



---

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Permit the Town of Atkinson to Deorganize  
S.P. 707 L.D. 1909  
(C "A" S-437)

Tabled - March 5, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 27, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-437).**)

(In House, March 4, 2002, **PASSED TO BE ENACTED.**)

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

---

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Boundaries Between Ripley and St. Albans  
H.P. 1429 L.D. 1926  
(C "A" H-825)

Tabled - March 5, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 28, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825)**, in concurrence.)

(In House, March 5, 2002, **PASSED TO BE ENACTED.**)

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

---

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Protect Police Horses  
H.P. 1435 L.D. 1932  
(C "A" H-834)

Tabled - March 5, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 28, 2002 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)**, in concurrence.)

(In House, March 5, 2002, **PASSED TO BE ENACTED.**)

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

---

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, Directing the Department of Defense, Veterans and Emergency Management to Make Recommendations to the Legislature to Provide Increased Outreach Activities for Women Veterans

H.P. 1532 L.D. 2035  
(H "A" H-828)

Tabled - March 12, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 5, 2002 **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-828)**, in concurrence.)

(In House, March 11, 2002, **FINALLY PASSED.**)

**FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

---

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, Directing the Department of Education to Provide Adult Education and Other Support Services

S.P. 687 L.D. 1889  
(C "A" S-456)

Tabled - by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 13, 2002 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456)**, in concurrence.)

(In House, March 18, 2002, **FINALLY PASSED.**)

Senator **GOLDTHWAIT** of Hancock moved the Resolve and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. This bill is being moved for Indefinite Postponement because it has been included in the budget.

On motion by Senator **GOLDTHWAIT** of Hancock, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

---

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report  
Pursuant to Joint Order**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Laws Governing the Unlawful Sale of Personal Sports Mobiles and the Registration of New Snowmobiles"

H.P. 1694 L.D. 2192

Reported that the same **Ought to Pass**, pursuant to Joint Order 2001 (H.P. 1586).

Signed:

Senators:

SHOREY of Washington  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-960)**, pursuant to Joint Order 2001 (H.P. 1586).

Signed:

Representative:

BRYANT of Dixfield

Comes from the House with the Majority **OUGHT TO PASS**, pursuant to Joint Order 2001 (H.P. 1586) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1012)**.

Reports **READ**.

On motion by Senator **YOUNGBLOOD** of Penobscot, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

House Amendment "A" (H-1012) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1012)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

---

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committees on **NATURAL RESOURCES** and **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for Livable, Affordable Neighborhoods"

H.P. 1596 L.D. 2099

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-939)**.

Signed:

Senators:

MARTIN of Aroostook  
SHOREY of Washington  
BROMLEY of Cumberland

Representatives:

BAKER of Bangor  
KOFFMAN of Bar Harbor  
COWGER of Hallowell  
DUPLESSIE of Westbrook  
TWOMEY of Biddeford  
MORRISON of Baileyville  
HATCH of Skowhegan  
RICHARDSON of Brunswick  
BRYANT of Dixfield  
DORR of Camden  
MICHAUD of Fort Kent

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

Signed:

Senators:

SAWYER of Penobscot  
YOUNGBLOOD of Penobscot

Representatives:

ANNIS of Dover-Foxcroft  
TOBIN of Windham  
CLARK of Millinocket  
DAIGLE of Arundel  
CRABTREE of Hope  
DUPREY of Hampden  
CLOUGH of Scarborough  
MURPHY of Kennebunk

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on Committees on **NATURAL RESOURCES** and **BUSINESS AND ECONOMIC DEVELOPMENT**.

Reports **READ**.

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. This bill, as I understand it, is a fairly significant incursion on local decision making regarding zoning issues. I would urge you to oppose the pending motion and defeat this proposal. It is a bill that establishes a review standard for what is called portable neighborhood developments. Those standards would, essentially, preempt municipal standards under certain circumstances. For two reasons, I ask you to oppose it. One is because it does make that incursion on local decision making and the other is that in my district there are at least 2 communities that have already attempted to address this problem of affordable housing because it is difficult for people to acquire property or houses in the coastal communities where I live and which I represent. Far from creating zoning in order to keep the so called affordable or sometimes called low income housing out, these communities have not only welcomed them, but have

created land trusts for the express purpose of acquiring land so that they can offer affordable housing to people who wish to move to their communities. So I think municipalities are aware of this issue. They are undertaking measures to address it at the local level. I hope you will join me in opposing this effort to restrict local decision making regarding this type of zoning. Thank you.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Eliminate Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care"

H.P. 1462 L.D. 1959

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-965)**.

Signed:

Senators:

LaFOUNTAIN of York  
SMALL of Sagadahoc

Representatives:

MICHAEL of Auburn  
YOUNG of Limestone  
MAYO of Bath  
SULLIVAN of Biddeford  
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-966)**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland  
SMITH of Van Buren  
O'NEIL of Saco  
CANAVAN of Waterville  
NORBERT of Portland

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 682

**120<sup>TH</sup> LEGISLATURE  
COMMITTEE ON LABOR**

March 26, 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 Labor has had under consideration the nomination of Dennis L. Libby of Windham, for appointment to the Maine Unemployment Insurance Commission as a Labor Representative.

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	Edmonds of Cumberland, Turner of Cumberland
	Representatives	9	Bunker of Kossuth Township, Cressey of Baldwin, Davis of Falmouth, Hutton of Bowdoinham, MacDougall of North Berwick, Norton of Bangor, Smith of Van Buren, Tarazewich of Waterboro, Treadwell of Carmel
NAYS		0	
ABSENT		2	Rep. Matthews of Winslow, Sen. Sawyer of Penobscot

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 Dennis L. Libby of Windham, for appointment to the Maine Unemployment Insurance Commission as a Labor Representative, be confirmed.

Signed,

S/Betheda G. Edmonds  
Senate Chair

S/George H. Bunker Jr.  
House Chair

**READ** and **ORDERED PLACED ON FILE**.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 683

**120<sup>TH</sup> LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

March 26, 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 Harold N. Larrabee of Knox, for appointment to the Northeast Interstate Dairy Compact.

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	1	Kneeland of Aroostook
	Representatives	8	Carr of Lincoln, Foster of Gray, Gooley of Farmington, Hawes of Standish, Jodrey of Bethel, Landry of Patten, Lundeen of Mars Hill, Pineau of Jay
NAYS		0	

ABSENT 4 Sen. Kilkelly of Lincoln, Rep. McKee of Wayne, Sen. Nutting of Androscoggin, Rep. Volenik of Brooklin

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 Harold N. Larrabee of Knox, for appointment to the Northeast Interstate Dairy Compact, be confirmed.

Signed,

S/Richard Kneeland Senate Chair

S/Linda Rogers McKee House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act" H.P. 1664 L.D. 2169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-971).**

Signed:

Senators:

DOUGLASS of Androscoggin  
WOODCOCK of Franklin  
BROMLEY of Cumberland

Representatives:

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:

Representative:  
LABRECQUE of Gorham

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-971).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-971) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-971)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection"

S.P. 723 L.D. 1964  
(C "A" S-475)

In Senate, March 19, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475) AS AMENDED BY HOUSE AMENDMENT "A" (H-995)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED.**

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Phase Out the Availability of Mercury-added Products"

H.P. 1501 L.D. 2004  
(C "A" H-925)

In Senate, March 20, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-925)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-925) AS AMENDED BY HOUSE AMENDMENT "A" (H-953)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Amend the Motor Vehicle Laws"

H.P. 1406 L.D. 1844  
(C "A" H-941)

In Senate, March 20, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AND HOUSE AMENDMENT "A" (H-1009)**, in **NON-CONCURRENCE**.

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

---

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.

---

**ORDERS OF THE DAY**

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

**JOINT RESOLUTION** - relative to commemorating March 25<sup>th</sup> as Greek Independence Day.

H.P. 1706

Tabled - March 26, 2002, by Senator **KILKELLY** of Lincoln

Pending - **ADOPTION**, in concurrence

(In House, March 25, 2002, **READ** and **ADOPTED**.)

(In Senate, March 26, 2002, **READ**.)

The Chair ordered a Division. 23 Senators having voted in the affirmative and 1 Senator having voted in the negative, **ADOPTED**, in concurrence.

---

The Chair laid before the Senate the following Tabled and Specially (3/20/02) 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 "B" (S-415)** (8 members)

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

Tabled - March 19, 2002, by Senator **YOUNGBLOOD** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

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

Senator **DAGGETT** of Kennebec moved the Resolve and accompanying papers be **INDEFINITELY POSTPONED**.

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

Senator **DAGGETT:** Thank you, Mr. President, members of the Senate. I will just tell you briefly what this bill proposes to do. This is a bill which would allow the Bureau of General Services to enter into a sales and purchase agreement for property within the statutorily defined capital district without first coming to the legislature to ask permission. In every other instance, the Bureau of General Services, or the state, must come to the legislature to ask permission before they enter into a purchase and sales agreement. The supposed reason for this is that there is property that has been identified in the master plan, which was accepted last year, that can be obtained in absolutely no other way except an expedited purchase and sales agreement. My concern with this is that once a purchase and sales agreement is entered into, it is going to be extremely difficult for the legislature to say no to that purchase. Right now we have a very good process in place. A bill comes into the State and Local Government Committee. There is an opportunity for a public

hearing. There is an opportunity to hear the reasons why the piece should be purchased. Then, once the legislature has said yes this is an appropriate purchase, the Bureau of General Services can enter into the purchase agreement. I have passed out to you today a piece of paper that has on it the number of properties in Augusta that have changed from being on the tax rolls to being tax exempt since 1999. This is a little over \$5 million. If you add in the 2 properties that are listed at the bottom of the page, which were recent purchases and are not included in the top, you'll find it's a little over \$6 million. I'm not saying that no property within the capital district should be purchased. I'm saying that there should be a reasonable opportunity for the legislature to make a decision and to look at that purchase and a reasonable opportunity for citizens in Augusta and the City of Augusta to see what is happening before it happens. I'll identify a couple of things on this page for you. Near the top, on the 4<sup>th</sup> and 5<sup>th</sup> items, the Veteran's Cemetery purchased new property. That property, of course, has been taken off the tax rolls. We're pleased to have the Veteran's Cemetery here and to host that, but again it is additional property, in addition to the cemetery that's already off the tax rolls. You will notice there are several organizations that are here. They are here because state government is here. That's why they want to be located in the capital area. Again, the Maine Municipal Bond Bank is there. The State of Maine, part way down, \$250,000. Maine Equal Justice Partners, 2 pieces of property, they want to be near the State House. Natural Resources Counsel, \$700,000. They would like to be near the State House. The Family Violence Assistance Project has just bought on Western Avenue what was previously the FAME building. FAME has built a new building and has moved. \$250,000 off the tax rolls. That is very recent. The Maine Children's Alliance. We already, of course, lost our mill and the property related to that and took the \$725,000 hit. Kind of an interesting one, which is near the bottom in capital letters, the Alliance for the Mentally Ill. This purchase of a building worth \$337,000 was just within the last few months. In kind of an ironic turn of events, the Alliance for the Mentally Ill was housed in one of the buildings on the AMHI campus and because we decided, apparently, to close that building and kick them out, they now have purchased a building here in Augusta that has been removed from the tax rolls. Again, I'm not saying that we're not willing to have these things happen. I just feel that it's appropriate to have the current notice, the current process that we have. It allows an opportunity for people from Augusta, for legislators, to be notified of something that's happening and have an opportunity to participate in it. If we allow the Bureau to enter into the purchase and sales agreement ahead of time, it takes that opportunity away from us. I think that we should be granted the same opportunities that every other community in this state has. I know of absolutely no piece of property within the capital district that has not been able to be purchased prior to this time and that is without this legislation. If you can bear with me for one more statistic. I would just like to say that our growth and property valuation has been 2.6% over the last 10 years. Part of that is due to the increasing amount of property that goes off the tax rolls here. I know this has huge ramifications for many other communities in this state. But again, I can't imagine why the Bureau of General Services needs some kind of an expedited process to purchase property within the capital district. Frankly, I did serve on the Master Plan Committee and if it had ever dawned on me or the others of us from Augusta that this was going to be a rational or an expedited mechanism, we certainly would have had different views on the master plan at that time.

So I hope you will support me in the indefinite postponement of this bill. I don't think it does a service to this community and I certainly don't think that you would like to see this kind of expedited purchase of property in your own communities. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Youngblood.

Senator **YOUNGBLOOD:** Thank you, Mr. President, ladies and gentlemen of the Senate. The good Senator from Kennebec, Senator Daggett, had some very valid points. I would not want to see my community with this amount of exempt properties in it. I absolutely can feel for her position. This has not been done before. She is absolutely correct. But before last year, the first session, we also never had a State Facilities Master Plan. We spent, in the State and Local Government Committee, a long time really going through the Master Plan. This was not discussed at that time, but to me it makes just plain, good sense. The bill correctly states that only locations within the Facilities Master Plan that are so indicated could be covered under this. This does not give the Bureau of Financial Services the ability to go anywhere else in Augusta, to go anywhere else in Waterville, or Kittery, or any other community in the state. Only within the Master Plan. The east campus and the west campus. Only 2 properties within that Master Plan that are right now indicated on those drawings as places for possible expansion. Those are already marked on the plan. They are 3 residential buildings down over the hill, off to the right of the park, and 2 small pieces of property on either end of the parking lot at the Department of Labor building that ultimately the state would like to expand to increase the size of that parking lot. If you've ever visited the Department of Labor and tried to find a place to park, you can understand why they need to expand that piece of property. Every piece of property that is put under contract today is made subject to lots of things. Subject to bank financing; subject to environmental studies; subject to an arsenic test; subject to a building review. The list goes on and on. So making a purchase and sales agreement, subject to being authorized for purchase by the Maine legislature, would not be an unusual event. We get paid to come here to make decisions. Whether that decision is to authorize the Bureau of Financial Services to put a piece of property under contract or to buy it, it nonetheless is the same. We get paid to make decisions. I do not see that it preempts our decision making ability at all when someone has a purchase and sales agreement on a piece of property. It's not any piece of property within the Facilities Master Plan. It is not, for example, the bank that's across from the Cross Office Building. That is not an indicated place for expansion, yet it is within the district. It is only those that are so indicated on the plan that I've already covered. If one of these pieces of property should come on the market for sale at the end of next week, because I've been told from a good source that at the end of next week we're not going to be here, if that came up for sale next week, the state would have no way to hang onto that piece of property while they were trying to get us, as legislators, to vote to accept that next January. If they can put it under a purchase and sale agreement, then they can tie that piece of property up between April and December while they are waiting for a decision from us. There is no other way, and I think they've been very successful, obviously, somehow, I'm not sure how, in getting the pieces of property within this district that they would like to get. This just gives them a way to do that. Those 3 residential properties, those 2 pieces

of property at each end of the parking lot, are the only ones. There are no pieces of property in the west campus, across the river, that are marked to be covered under this. So I would ask your support in defeating the Indefinite Postponement movement and go on and accept the Majority Ought to Pass report from the Committee on State and Local Government. Thank you.

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

Senator **PENDLETON:** Thank you, Mr. President, men and women of the Senate. When I first was elected to the legislature, in 1988, my seatmate said to me one night 'Peggy, there is no amber light, you either vote red or you vote green.' So I'm going to try to explain what a tangled web I have woven for myself. This particular bill was sponsored by me because the Department of Administrative and Financial Services asked me to do so because of the very reasons that the good Senator from Penobscot, Senator Youngblood, has told you. Everything he has told you is fair and true and right. However, I ended up voting against the piece of legislation because of the arguments that were brought up by the good Senator from Kennebec, Senator Daggett, as far as losing property to the state and not getting the proper notification and the property tax. So I would say to you, there is no amber light. So I just hope that you make your own choice and vote your conscience on this one. Thanks.

The Chair ordered a Division. 15 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **DAGGETT** of Kennebec to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, **PREVAILED.**

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **KNEELAND** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

S.P. 805 L.D. 2168

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-511).**

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

**READ ONCE.**

Committee Amendment "A" (S-511) **READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-511).

---

Senate at Ease.

Senate called to order by the President.

---

Off Record Remarks

---

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

---

Off Record Remarks

---

On motion by Senator **DAVIS** of Piscataquis, **ADJOURNED** to Wednesday, March 27, 2002, at 9:30 in the morning.