

MAINE STATE LEGISLATURE

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

In Senate Chamber
Wednesday
March 27, 2002

Senate called to order by President Pro Tem S. Peter Mills of Somerset County.

Prayer by Reverend Robert T. Carlson, East Orrington Congregational Church in Orrington.

REVEREND CARLSON: Gee, I wish they would do that on Sunday morning.

First of all, I want to tell you it is a real honor and a privilege to be here. The last time I was down at the legislature to offer prayer was when Senator Martin was Speaker of the House of Representatives. One of the things that I said to one of my friends was that I just wanted to tell a very quick story. They said that I had better check with the Speaker. I said that it was my philosophy that it's easier to ask forgiveness than it is permission. However, I've also been advised by Senator Youngblood, and I want to thank the Senators from the greater Bangor metroplex area for allowing me and inviting me to come and be with you today, but Senator Youngblood said that all of your deliberations today, if you speak longer than I do, you are going to get a no vote. So I'm going to be very brief.

Let us bow our heads in prayer. Gracious, abiding, and everlasting God, creator of all that there is. We thank You for this precious gift of life. We ask for Your guidance and Your blessings to be upon this body as they deliberate on the many challenges which are facing our great state. We ask, oh God, that men and women who serve in this Senate, from both sides of the aisles, can come together and make decisions which are truly acceptable in Your sight and which will allow Your people here in this state to be all that You have called us to be. Amen.

Doctor of the day, Jeffrey Raub, M.D. of Hampden.

Reading of the Journal of Tuesday, March 26, 2002.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Assist the Displaced Workers at Hathaway Shirt Company"

S.P. 826 L.D. 2206

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative BUNKER of Kossuth Township and Senators: DAGGETT of Kennebec, EDMONDS of Cumberland, KNEELAND of Aroostook, LEMONT of York, Representatives: CANAVAN of Waterville, MARRACHÉ of Waterville, MATTHEWS of Winslow, TESSIER of Fairfield. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire (EMERGENCY)

S.P. 825 L.D. 2205

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative MICHAUD of Fort Kent and Representatives: PARADIS of Frenchville, SMITH of Van Buren. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Orders

An Expression of Legislative Sentiment recognizing:

The Lewiston Sun Journal upon being named the best newspaper in New England and also for winning first-place honors for both the best daily and the best Sunday paper in its circulation category by the New England Newspaper Association. Six months ago, the paper received a similar honor when it took top honors from the Maine Press Association for best daily and Sunday newspaper. We send our congratulations to all the employees of the Sun Journal on this occasion for publishing a paper that, among other things, keeps its pledge to connect its readers with their communities;

SLS 692

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representatives: MAILHOT of Lewiston, COTE of Lewiston, MENDROS of Lewiston, O'BRIEN of Lewiston, BOUFFARD of Lewiston, Senator: DOUGLASS of Androscoggin.

READ.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE**.

An Expression of Legislative Sentiment recognizing:

The members of the Massabesic Lions Club, of Waterboro, as it celebrates 30 years of service to the towns of S.A.D. #57. The motto of the club is "We Serve," and its members have selflessly served the community with dedication and caring. The Lions Club presents scholarships, offers assistance to families in need and raises funds for charitable causes. We congratulate the Massabesic Lions Club on its anniversary and extend our best wishes to its members;

SLS 693

Sponsored by Senator **McALEVEY** of York.
Cosponsored by Representative: **TARAZEWICH** of Waterboro.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator **McAlevy**.

Senator **McALEVEY:** Thank you, Mr. President, men and women of the Senate. I'm pleased to stand here today to honor and recognize a very unique and very important group of people in the communities of SAD 57, which is composed of Alfred, Waterboro, Limerick, Lyman, Shapleigh, and Newfield. For 30 years they have provided numerous services to the constituents of those towns. But what stands out about this group is not only that they are the movers and shakers in our communities as an organization, their individual members are also very important members of respective towns for the unselfishness that they show and their actions towards their neighbors. Let me just, very briefly, explain one thing. This organization, I think, more than any in our communities have done more than anybody else to effect the quality of life. You can see, they worked out an arrangement with the town of Waterboro and took an old 4-story Waterboro High School, no longer used, and they turned that into a medical center. The fruits of their labors, their fund-raisers, they rehabbed it, brought it up to standard, put an elevator in it, and we have had, for a number of years, medical providers in that building, attending to the medical needs of our community. I'll tell you, when you are my age or you are 82, to get in a car and drive 30 miles to Portland for medical care, it's tough. But to be able to drive just a few miles to seek quality medical care makes a big difference. That typifies the type of dedication that these individuals have to our community. I'm honored to recognize them and request that the State of Maine recognize their efforts also. I can't say thank you enough to them. Thank you, Mr. President.

PASSED.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber members of the Massabesic Lions Club. Perley Yeaton, Anne Yeaton, John Kustron, Elizabeth Morrison, who is the president, Erland Morrison, Barbara Yeaton, Elizabeth Champion, and John Champion. Would you please rise and accept the greetings of the Senate.

Off Record Remarks

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide Funding for the Office of the State Fire Marshal and the Maine Fire Training and Education Program" (EMERGENCY) H.P. 1704 L.D. 2201

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.

Ought to Pass As Amended
Joint Study Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Joint Study Order to establish the Committee on Workforce Investment

H.P. 1682

Reported that the same **Pass as Amended by Committee Amendment "A" (H-1015)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015)**.

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

READ.

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 **CRIMINAL JUSTICE** on Bill "An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in Prisons and Jails"

H.P. 1563 L.D. 2068

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1020)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020)**.

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

READ ONCE.

Committee Amendment "A" (H-1020) **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-1020)**, in concurrence.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Further Protect the Nesting Habitat of Endangered and Threatened Species"

H.P. 1603 L.D. 2104

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1018)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018)**.

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

READ ONCE.

Committee Amendment "A" (H-1018) **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-1018)**, in concurrence.

The Committee on **TAXATION** on Resolve, to Reduce Paperwork for Maine Businesses

H.P. 1543 L.D. 2044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1016)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1016)**.

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

READ ONCE.

Committee Amendment "A" (H-1016) **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-1016)**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact

H.P. 1666 L.D. 2171
(C "A" H-1006)

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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements

H.P. 1593 L.D. 2096
(C "A" H-990)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office

H.P. 1641 L.D. 2144

Comes from the House, **FAILED OF FINAL PASSAGE.**

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.**

Acts

An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities

S.P. 461 L.D. 1514
(C "A" S-501)

An Act Regarding Eligibility for Financing Through the Maine Health and Higher Educational Facilities Authority

S.P. 689 L.D. 1891
(C "A" S-502)

An Act to Address Liquidation Harvesting

S.P. 718 L.D. 1920
(C "A" S-488)

An Act to Require Appropriate Public Notice of a State Building Project

S.P. 742 L.D. 2067
(S "A" S-497 to C "A" S-448)

An Act to Authorize County Extension Building Associations to Borrow Money

H.P. 1614 L.D. 2111
(H "A" H-969 to C "A" H-943)

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

An Act Regarding Utility Easements

H.P. 1472 L.D. 1973
(C "A" H-872)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#271)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, CARPENTER, EDMONDS, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, LEMONT, MCALEVEY, MITCHELL, RAND, SAVAGE, SAWYER, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - S. PETER MILLS

NAYS: Senators: CATHCART, DAGGETT, DAVIS, GAGNON, KILKELLY, KNEELAND, MARTIN, MICHAUD, O'GARA, PENDLETON, ROTUNDO, SHOREY

ABSENT: Senators: DOUGLASS, LONGLEY, NUTTING

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

An Act to Amend the Maine Criminal Code to Address Terrorism
S.P. 801 L.D. 2160
(C "A" S-499)

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

An Act to Establish a Centralized Voter Registration System for the State

H.P. 1683 L.D. 2182

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

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

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

JOINT RESOLUTION - Recognizing Maine's credit unions
S.P. 823

Tabled - March 26, 2002, by Senator **LAFOUNTAIN** of York

Pending - motion by same Senator to **ADOPT**

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

On motion by Senator **LAFOUNTAIN** of York, **ADOPTED**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you, Mr. President, men and women of the Senate. It's my privilege, on behalf of the Joint Standing Committee on Banking and Insurance, to sponsor this Joint Resolution recognizing Maine Credit Unions and the Maine Credit Union League for its significant contributions to Maine. Last week we were privileged to have with us members of the Maine Bankers Association and the Maine Association of Community Banks. Today, in the Hall of Flags, we have numerous members from throughout the state who are employees of Maine credit unions. As the Joint Resolution indicates, and something that I've learned through my work on the Joint Standing Committee, Maine ranks as the 5th strongest credit union state in the nation and 1 in every 2 Maine residents belongs to a credit union. Not only do these people work hard in their financial institutions, but they also work hard in their communities, as the resolution indicates, with their support for the Campaign for Ending Hunger and for the Maine Special Olympics. I encourage you to take the time and make an effort to meet them today in the Hall of Flags or in the back of the chamber today, where I understand a number of them are sitting. Thank you.

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

Off Record Remarks

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

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

JOINT ORDER - recognizing the Lewiston Sun Journal upon being named the best newspaper in New England and also for winning first-place honors for both the best daily and the best Sunday paper in its circulation category by the New England Newspaper Association.

SLS 692

Tabled - March 27, 2002, by Senator **ROTUNDO** of Androscoggin

Pending - **PASSAGE**

(In Senate, March 27, 2002, **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Mr. President, men and women of the Senate. I rise to add my congratulations to the Lewiston Sun Journal on this award that they have received. In recent years, the Sun Journal has emerged as a leader in central and western Maine. Through their efforts, they are helping to build strong and healthy communities in Maine. I thank them very much for their significant contributions and wish them much continued success.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President. I, too, would like to extend my congratulations to them and I'd like to pose a question. Is this the same Lewiston Sun Journal that, the day after the election in November, declared that my opponent had won the election? Mr. President, that was an election that I won by 1,409 votes, with a 7.8% spread, but I do forgive them for that because when I was over here, when Senator Bennett was sworn in as President, they did take a nice picture of me in my kilt and ran it. So I do extend my congratulations to them. Thank you, Mr. President.

PASSED.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Stephen Costell, who is Vice-President of the Lewiston Sun Journal, and Maureen Costello Wedge, who is also a Vice-President of the Lewiston Sun Journal. Would they please rise and receive the greetings of the Senate.

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

ORDERS

Joint Order

On motion by President Pro Tem **MICHAUD** of Penobscot, the following Joint Order:

S.P. 827

ORDERED, the House concurring, that when the House stands Adjourned it does so until Monday, April 1, 2002, at 9:00 in the morning and the Senate Adjourns until Monday, April 1, 2002, at 10:00 in the morning.

READ and PASSED.

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

Senate at Ease.

Senate called to order by President Pro Tem **S. PETER MILLS** of Somerset County.

Off Record Remarks

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Child Care Facility Laws"
H.P. 1523 L.D. 2027

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-972)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-972)**.

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

READ ONCE.

Committee Amendment "A" (H-972) **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-972)**, 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

Resolve, Establishing the Blue Ribbon Commission to Address Financing of Long-term Care Costs
H.P. 1436 L.D. 1933
(C "A" H-910)

In Senate, March 19, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY HOUSE AMENDMENT "B" (H-1019)** thereto, in **NON-CONCURRENCE**.

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

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

House Paper

Pursuant to Joint Order

The **Joint Standing Committee on Business and Economic Development** pursuant to Joint Order 2001 (H. P. 1610) asked leave to report that the accompanying Bill "An Act to Increase the Cap on Funds Available through the Regional Economic Development Revolving Loan Program"
H.P. 1709 L.D. 2203

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/26/02) Assigned matter:

NOMINATION - of Dennis L. Libby of Windham for appointment to the Maine Unemployment Insurance Commission as a Labor Representative

Tabled - March 26, 2002 by Senator **SMALL** of Sagadahoc

Pending - **CONSIDERATION**

(In Senate, March 26, 2002, Communication (S.C. 682) from the Committee on **LABOR, READ AND ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** 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 (#272)

YEAS: Senators: None

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

ABSENT: Senators: KILKELLY, LONGLEY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Dennis L. Libby** of Windham for appointment to the Maine Unemployment Insurance Commission as a Labor Representative 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 (3/26/02) Assigned matter:

NOMINATION - of Harold N. Larrabee of Knox for appointment to the Northeast Interstate Dairy Compact

Tabled - March 26, 2002, by Senator **KNEELAND** of Aroostook

Pending - **CONSIDERATION**

(In Senate, March 26, 2002, Communication (S.C. 683) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ AND ORDERED PLACED ON FILE.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#273)

YEAS: Senators: None

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

ABSENT: Senators: KILKELLY, LONGLEY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Harold N. Larrabee** of Knox for appointment to the Northeast Interstate Dairy Compact 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 (3/26/02) Assigned 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)

Tabled - March 26, 2002, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(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" (S-503)** thereto, in **NON-CONCURRENCE.**)

(In House, March 26, 2002, **ADHERED.**)

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

The Chair laid before the Senate the following Tabled and Later (3/26/02) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-939)** (14 members)

Minority - **Ought Not to Pass** (10 members)

Tabled - March 26, 2002, by Senator **MARTIN** of Aroostook

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

(In House, March 26, 2002, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committees on **NATURAL RESOURCES** and **BUSINESS AND ECONOMIC DEVELOPMENT.**)

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

Senator **MARTIN** of Aroostook moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Mr. President and members of the Senate. This is one of the bills that came from the Smart Growth Committee during the last session. It was created during that period. Much work was done on this bill. We've had a lot of good work done during this session on other parts of the report and most people felt that trying to deal with this issue at this time would be inappropriate. You can rest assured that this issue will be back next year, perhaps in a different form.

On motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/26/02) Assigned matter:

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
S.P. 805 L.D. 2168

Tabled - March 26, 2002, by Senator **MARTIN** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-511)**

(In Senate, March 26, 2002, Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-511) **READ.**)

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

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-513) **READ.**

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Mr. President. The amendment, basically, corrects the legal description.

On further motion by same Senator, Senate Amendment "A" (S-513) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-511) AND SENATE AMENDMENT "A" (S-513).

Sent down for concurrence.

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

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BRENNAN:** Thank you, Mr. President, men and women of the Senate. At some point, we will be receiving a resolution regarding Parkinson's Awareness Month and next month is Parkinson's Awareness Month. In the chamber today, we have several people that I would like to recognize as part of that awareness month. Harold Jones, who is the President of the Maine Parkinson Society; Ivan Suzman, who is the legislative liaison of the APDA, Maine State Chapter; Lillian Scenna, who is the coordinator of the Maine State Parkinson Information Referral Center; and Kim Fox, who is a personal care attendant. There are also 9 members of the Parkinson Support Group of Southern Maine that are here. I hope you will join me in recognizing their efforts and support their efforts and also to make a special effort to recognize the issues around Parkinson's Disease during the month of April. Thank you.

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

JOINT ORDER - Relative to the Joint Standing Committee on Criminal Justice reporting out to the House a Bill adding a representative of a statewide association of fire chiefs to the Emergency Medical Services' Board

H.P. 1703

Tabled - March 26, 2002, by Senator **MCALVEY** of York

Pending - **PASSAGE**, in concurrence

(In House, March 26, 2002, **READ** and **PASSED**.)

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

PASSED, in concurrence.

The President Pro Tem requested the Sergeant-At-Arms escort President **BENNETT** of Oxford to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Somerset, Senator **MILLS** to his seat on the floor.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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.

Off Record Remarks

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **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:

ENACTORS

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

Acts

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

S.P. 686 L.D. 1888
(H "A" H-1005)

An Act to Provide for Notice of Termination, Nonrenewal or Change in Terms of Certain Leases

H.P. 1599 L.D. 2100
(C "A" H-974)

An Act to Ensure Maine Citizens in Recovery from Drug Addiction Equal Access to Public Assistance

H.P. 1665 L.D. 2170
(C "A" H-1003)

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

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 Update the Department of Defense, Veterans and Emergency Management Laws

H.P. 1288 L.D. 1752
(C "A" H-837; H "C" H-946)

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

An Act to Expand the Maine Seed Capital Tax Credit Program
H.P. 1509 L.D. 2012
(C "A" H-1014)

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

An Act to Amend the Lead Poisoning Control Act
H.P. 1535 L.D. 2038
(C "A" H-1007)

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

An Act Regarding Essential Programs and Services
H.P. 1602 L.D. 2103
(C "A" H-1002)

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

An Act to Fairly Assess Sales Tax on Vehicles
H.P. 1620 L.D. 2122
(C "A" H-1013)

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 Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

H.P. 1587 L.D. 2092
(C "A" H-949)

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:

REPORTS OF COMMITTEES

House

**Divided Report
Pursuant to Joint Order**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds"

H.P. 1712 L.D. 2204

Reported that the same **Ought to Pass**, pursuant to Joint Order 2001 (H.P. 1677).

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
TRAHAN of Waldoboro
HONEY of Boothbay
USHER of Westbrook
PERKINS of Penobscot
McGLOCKLIN of Embden
BRYANT of Dixfield

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**, pursuant to Joint Order 2001 (H.P. 1677).

Signed:

Representatives:

CHICK of Lebanon
CLARK of Millinocket
TRACY of Rome

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **CARPENTER** of York, the Majority **UGHT TO PASS Report 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. 1711

ORDERED, the Senate concurring, that the Joint Select Committee on Research and Development is established as follows.

1. **Establishment.** The Joint Select Committee on Research and Development, referred to in this order as the "committee," is established.

2. **Membership.** The committee consists of 3 members from the Senate appointed by the President of the Senate and 10 members from the House of Representatives appointed by the Speaker of the House. The members must include at least one Senate member and 3 House members from the Joint Standing Committee on Business and Economic Development and at least one Senate member and 3 House members from the Joint Standing Committee on Appropriations and Financial Affairs. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair.

3. **Responsibilities.** The committee has the following responsibilities:

A. To conduct oversight and review of the State's research and development policies and to make recommendations to the Legislature on appropriate actions to promote research and development in the State, including appropriate funding levels; and

B. To perform other tasks assigned to it by the Legislature or by the President of the Senate and the Speaker of the House jointly, including issuing reports to the Legislature on policy issues related to research and development.

4. **Meetings; staffing.** The committee may meet once per month, on a day established by the President of the Senate and the Speaker of the House, to complete its work. The Office of Policy and Legal Analysis shall provide staff assistance to the committee. Clerical assistance must be provided by the Legislative Information Office.

5. **Reimbursement.** Members of the committee are entitled to reimbursement of expenses in the same manner as members of joint standing committees.

6. **Report.** The committee shall submit its report, along with any suggested implementing legislation, to the Legislative Council by November 6, 2002. If the committee needs an extension, it may apply for one to the Legislative Council, which may grant a limited extension.

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

READ.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1710

**JOINT RESOLUTION RECOGNIZING
PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease, or paralysis agitans, is a tragic, progressive disease of the brain and spinal cord. Although it usually affects adults over 40 years of age, it can occur in any of 3 forms: later-life Parkinson's disease; young-onset Parkinson's disease, which affects adults under 40 years of age; and juvenile-onset Parkinson's disease, which affects children and teenagers; and

WHEREAS, Parkinson's disease often takes a devastating emotional, social, psychological, physical and financial toll on the patients as well as on their families and friends; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age and in a significant number of people under 35 years of age; and

WHEREAS, according to the American Parkinson Disease Association, there are an estimated 1,500,000 people in the United States who have been diagnosed with Parkinson's disease, of which an estimated 7,000 or more are living in the State of Maine. There are likely to be as many as another 1,500,000 unknown, uncounted people with Parkinson's disease who have never seen a neurologist, bringing Maine's estimated numbers to 15,000 or more persons, many of whom are thought to have a supposedly normal "shaking palsy"; and

WHEREAS, there are an estimated 60,000 new patients diagnosed with Parkinson's disease annually in the United States, one every 9 minutes or 6 new patients every hour; and

WHEREAS, Maine has no Parkinson's disease public education curricula or programs, no Parkinson's-oriented human services, no established medical specialist clinics, no medical specialist educators, no adult care programs, no mobile

diagnostic teams, no human services specialists, no police or fire department education programs, no justice and courtroom personnel training, no ambulance or rescue worker training courses, no adapted housing units, no long-term home-care planners, no counselling and support specialists, particularly for the financially needy and the people affected by Parkinson's disease who reside alone, despite pressing need statewide; and

WHEREAS, many people with Parkinson's disease encounter precarious legal and personal situations when they are mistakenly thought to be under the influence of illegal or prescription drugs or alcohol due to their unusual movement and gait patterns; and

WHEREAS, Parkinson's disease causes a loss of cell function deep within the brain and it is currently an incurable brain disorder of unknown origin that disrupts and may end the lives of those who suffer from it; and

WHEREAS, the visible symptoms of Parkinson's disease, which are tremors, slowness of movement, shuffling gait, difficulty with balance, malfunction of vocal cords, lessened facial expression, intestinal difficulties and other internal problems, including changes in blood pressure, hypothermia, loss of visual and auditory reflexes, urinary and kidney-related difficulties and brain chemistry disruptions causing emotional changes, are often mistaken as a normal part of the aging process; and

WHEREAS, medications can only control some of the symptoms of Parkinson's disease and only for uncertain periods of time; and

WHEREAS, there is a great need for further training and education in the medical and legal professions to protect the rights of persons with Parkinson's disease; and

WHEREAS, there is an urgent need for a Parkinson's disease clinic in Maine to give patients easier access to specialists in Parkinson's disease and to provide more effective support programs and services to Parkinson's' disease patients and their caregivers and families; and

WHEREAS, increased research is needed to help find more effective treatments and ultimately to find a cure for Parkinson's disease; and

WHEREAS, full implementation of federal law, the Morris K. Udall Parkinson's Disease Research Act of 1997, which directs the National Institutes of Health to spend up to \$100,000,000 annually on Parkinson's disease research, needs continued support; and

WHEREAS, April 11th has been proclaimed World Parkinson's Disease Day, a day for all to recognize the need for more fundamental research and to provide the public with new, open channels of help as they battle against the devastating effects of Parkinson's disease; and

WHEREAS, the leading public officials of the State and leading medical educators in the State's medical community are now called upon to aid in reversing the invisibility and virtual voicelessness of its citizens suffering from Parkinson's disease; and

WHEREAS, 3 prominent North Americans, Muhammad Ali, Michael J. Fox and former Attorney General Janet Reno, who are afflicted with Parkinson's disease, are perhaps the only recognized and publicly known Parkinson's disease advocates appearing in the media; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, recognize the month of April as Parkinson's Disease Awareness Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society, the Maine State Chapter of the American Parkinson Disease Association and the State's Board of Licensure in Medicine.

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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1713

JOINT RESOLUTION COMMEMORATING MAINE CRIME VICTIMS' RIGHTS WEEK

WHEREAS, one violent crime is committed in the United States every 5 seconds and one property crime every 1.6 seconds and 25.9 million Americans are victims of crime year and, of those, 6.3 million are victims of violent crime; and

WHEREAS, despite the recent reduction in the rate of crime, far too many people still suffer the impact of crime; and

WHEREAS, crime victims play an indispensable role in bringing offenders to justice and deserve respect, resources, restoration and justice; and

WHEREAS, as we carry crime victims' rights into 2002 and beyond, we must bring honor to victims, striving to create a world where the legal rights of victims are honored and government agencies are accountable for their treatment of victims; and

WHEREAS, despite significant progress in providing rights and services to crime victims over the past 2 decades, large segments of our population, including crime victims who are elderly, disabled or living in rural areas, are still underserved; and

WHEREAS, as a nation devoted to liberty and justice for all, the United States must increase its efforts to protect, restore and expand crime victims' rights and services; and

WHEREAS, the State is joining forces with victim service programs, criminal justice officials and concerned citizens throughout the United States to observe National Crime Victims' Rights Week; 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, designate the week of April 21, 2002 to April 27, 2002 as Maine Crime Victims' Rights Week; and be it further

RESOLVED: That We reaffirm a commitment to respect and enforce victims' rights and address their needs during the 2002 Crime Victims' Rights Week in Maine and the nation now, and throughout the year.

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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1714

JOINT RESOLUTION RECOGNIZING MARCH AS NATIONAL WOMEN'S HISTORY MONTH

WHEREAS, March has been annually designated as National Women's History Month in order to celebrate the contributions of women to our society; and

WHEREAS, the theme for National Women's History Month 2002 is "Women Sustaining the American Spirit," to showcase the diverse and interlocking stories of women who have "created and affirmed the American spirit"; and

WHEREAS, what better way to celebrate women's roles in America than to celebrate those who have contributed to the government in our State and our Nation and to honor women who have served, who do serve and who will serve in our Legislature in our great State of Maine; and

WHEREAS, women state legislators were elected in areas before American women had the universal right to vote and it was in 1895 when 3 women were sworn in to serve as state legislators in Colorado; and

WHEREAS, in 1923, Dora Pinkham of Fort Kent was the first woman in the State of Maine to be sworn in to serve as a state legislator and, almost 80 years later, 268 women have served in the Maine State Legislature; and

WHEREAS, Maine proudly celebrates the women in state history who have diligently served and devoted most of their lives to their communities and to our great State and most accurately reflect the true American spirit; and

WHEREAS, the knowledge, expertise and wise leadership of women are valuable tools that contribute to the wealth of our state; 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 we represent, take this opportunity to express our sincere appreciation to all women who have unselfishly served the State of Maine in the best tradition of the American spirit.

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:

ENACTORS

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

Emergency Measure

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

S.P. 723 L.D. 1964
(H "A" H-995 to C "A" S-475)

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 Regarding the Clearing of Vegetation in Areas Adjacent to Protected Natural Resources

H.P. 1679 L.D. 2179
(S "A" S-485)

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.

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 Phase Out the Availability of Mercury-added Products
H.P. 1501 L.D. 2004
(H "A" H-953 to C "A" H-925)

An Act to Strengthen the Laws Governing Inspections of Boilers, Pressure Vessels, Elevators and Tramways
H.P. 1553 L.D. 2056
(C "A" H-1010)

An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act
H.P. 1664 L.D. 2169
(C "A" H-971)

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
(H "A" H-1012)

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

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education (EMERGENCY)
H.P. 1624 L.D. 2124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1026)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1026)**.

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

READ ONCE.

Committee Amendment "A" (H-1026) **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-1026)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Expand Family Life Education in Maine Schools"
H.P. 1180 L.D. 1603

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1024)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1024)**.

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

READ ONCE.

Committee Amendment "A" (H-1024) **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-1024)**, in concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

Emergency

An Act to Amend Maine's Wild Turkey Hunting Season
S.P. 721 L.D. 1923
(C "A" S-430)

Tabled - March 4, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 21, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (S-430)**.)

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

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.

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

An Act to Increase Home Ownership

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

Tabled - February 20, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 14, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)**, in concurrence.)

(In House, February 19, 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.

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

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office

H.P. 1641 L.D. 2144

Tabled - March 27, 2002, by Senator **TREAT** of Kennebec

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 22, 2002, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 26, 2002, **FAILED OF FINAL PASSAGE**.)

On motion by Senator **SHOREY** of Washington, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-515) **READ**.

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

Senator **SHOREY:** Thank you, Mr. President, men and women of the Senate. This amendment purely removes the emergency preamble. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-515) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-515), in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Specially (3/12/02) Assigned matter:

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)

Tabled - March 11, 2002, by Senator **MILLS** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, March 6, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**, in concurrence)

(In House, March 11, 2002, **PASSED TO BE ENACTED**.)

On motion by Senator **MILLS** of Somerset, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-853)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-853), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-512) to Committee Amendment "A" (H-853) **READ**.

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

Senator **MILLS:** Thank you, Mr. President, men and women of the Senate. This bill has to do with the mode in which various games of chance are regulated by the Maine State Police at Agricultural Fairs. There has been an ongoing discussion for several years between the Maine State Police, on the one hand, and the Fair Association, on the other, about various ways and modes of gaining a better control over how games of chance are run on the midways at State Fairs and County Fairs. One of the proposals that came to the floor several years ago was to impose a requirement that all gambling be done in the form of tokens. That is, the Fair Association would have the obligation of setting up booths at various points along the midway to sell tokens that would be unique devices of no intrinsic value that would be used exclusively in gaming operations on the midway. This was to correct an abuse that had been observed over the years where the gambling operations were essentially delegated to an independent operator. No one was watching the store and there were a lot of things going on that needed to be brought under better control. Since those discussions commenced, in the dialog between the Maine State Police and the Fair Association a couple of years ago, the fairs have come forward and developed methods of controlling the flow of revenue through these games of chance in ways that will permit them to continue without using tokens. There is still in our law a requirement that tokens be used as of this summer. The bill that lays before you is for the purpose of either delaying or eliminating the need to use tokens as a means of control. As I read it as it came out of committee, I thought that the bill suffered greatly from the rather significant butchering of the language that had taken place over the last several years. I couldn't understand or read the rules that were in place. So over the last two weeks, I've met with various representatives of the Fair Association and the Maine State Police and the end result is that the amendment that lays before you will eliminate the need for tokens as a mandatory provision but will make tokens optional. If the fairs chose to use them, they may do so. It also, more importantly I think, lays out the rules, the existing rules, in a clear and concise manner so that they are readable, understandable, and comprehensible by people who go to the statute for guidance. There are things now defined in this amendment that weren't defined before. I believe that the amendment that lays before you, that I am now proposing for adoption, does not change, in any significant way, the substance of our current law but it does make it clear and it also fulfills the intention of the sponsor of this bill. That intention was that tokens be an option but not a required mode of control. With all of that, I do ask that we adopt the amendment that I have just proffered to the chamber. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

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

THE PRESIDENT: The Senator may pose her question.

Senator **KILKELLY:** Thank you. I'm wondering what the position is of the Fair Association on this amendment please?

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

Senator **MILLS:** Mr. President, I've been dealing with a couple of their representatives. One in particular is an attorney from Fryeburg. He has vetted this thoroughly. We faxed it back and forth. He has said that it meets with his blessing and in his view it clears up some problems that he has had with the statute over the last couple of years. I don't know that there has been a formal vote. I don't know what the mechanism would be for getting some sort of approval from the Fair Association itself as a governing body. But I would be very happy to solicit that approval. I think that it would be forthcoming.

On motion by Senator **KILKELLY** of Lincoln, **TABLED** until Later in Today's Session, pending the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "A" (S-512) to Committee Amendment "A" (H-853).

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **LONGLEY** of Waldo, **ADJOURNED**, pursuant to the Joint Order, to Monday, April 1, 2002, at 10:00 in the morning.