

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

In Senate Chamber
Tuesday
January 16, 2001

Senate called to order by President Michael H. Michaud of Penobscot County.

Prayer by Pastor Joseph Pauliks of the First Baptist Church in Hallowell.

PASTOR PAULIKS: It's certainly a privilege to be here this morning. Let's unite our hearts in prayer.
Our Heavenly Father and God, Lord. We know that the word of God says this is the day that the Lord hath made, let us rejoice and be glad in it. And, Father, no matter what trial we face this morning, no matter what circumstance we're in, we should rejoice, Lord, because You are the head of all of us. And, Lord, we have to be mindful as well to pray for our elected officials, Lord, that are in session today, Lord, to do the business of this great state that we live in. Lord, we lift them up to You this morning. We pray for Your guidance in their lives and in the decisions that will be made here this morning, Father. And, Lord, we will be grateful this morning to give You all the glory and the honor, because it's all due to You, Lord. And we do thank You for this great country that we live in this morning. We pray for it as well. We pray that all will be done to Your honor and glory, for it's in Christ's precious name we pray and for his sake. Amen.

Pledge of Allegiance led by Senator Michael J. McAlevy of York County.

Doctor of the day, Andrew Carey, MD of Falmouth.

Reading of the Journal of Thursday, January 11, 2001.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"
H.P. 93 L.D. 97

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

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

Bill "An Act to Appropriate Funds for the Bath Higher Education Center"
H.P. 107 L.D. 111

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

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

Resolve, to Study the Expansion of Private Prescription Drug Insurance for Maine's Elderly
H.P. 96 L.D. 100

Bill "An Act to Allow for Mandate-free Catastrophic Care Health Insurance Policies"
H.P. 97 L.D. 101

Come from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence.

Bill "An Act to Require Consignment Businesses to Provide Itemized Receipts"
H.P. 113 L.D. 117

Bill "An Act to Establish Requirements for Licensed Physicians Regarding Naturopathic Treatments"
H.P. 114 L.D. 118

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

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

Bill "An Act to Provide Free Antlerless Deer Permits to Hunters 70 Years of Age or Older"
H.P. 100 L.D. 104

Bill "An Act Concerning the Banding of Game Birds"
H.P. 101 L.D. 105

Bill "An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens"
H.P. 103 L.D. 107

Bill "An Act to Allow a 2nd Hunting Tag in Certain Zones"
H.P. 106 L.D. 110

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act to Ban Partial Birth Abortion in the 3rd Trimester Except to Save the Life of the Mother"
H.P. 115 L.D. 119

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

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act to Extend the Hours that a Minor May Be Employed"
H.P. 92 L.D. 96

Bill "An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits"
H.P. 94 L.D. 98

Bill "An Act Raising the Minimum Wage"
H.P. 117 L.D. 121

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed, in concurrence.

Bill "An Act to Create a Uniform Standard Governing Legislative Leaves of Absence"
H.P. 53 L.D. 62

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

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

Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of High-stakes Beano and High-stakes Bingo and Expanding the Number of Authorized Games"
H.P. 104 L.D. 108

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

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

Bill "An Act to Change the Noncommercial Scallop Diving Season"
H.P. 111 L.D. 115

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

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act to Establish the Washington County Emergency Medical Services Authority" (EMERGENCY)
H.P. 85 L.D. 92

Bill "An Act to Amend Eminent Domain Powers"
H.P. 99 L.D. 103

Bill "An Act to Establish Maine Lighthouse Week" (EMERGENCY)
H.P. 102 L.D. 106

Bill "An Act to Designate the First Saturday in September as Colonel Freeman McGilvery Day"
H.P. 108 L.D. 112

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

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

Bill "An Act to Repeal the Tax on Candy and Confections" (EMERGENCY)
H.P. 105 L.D. 109

Bill "An Act to Increase the Homestead Property Tax Exemption from \$7,000 to \$10,000"
H.P. 116 L.D. 120

Bill "An Act to Allow for a Prorated Application of Property Tax Exemptions for Charitable and Benevolent Institutions"
H.P. 120 L.D. 124

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

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Provide for Graduated Eligibility Requirements for the Elderly Low-cost Drug Program"

H.P. 41 L.D. 50

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

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

Bill "An Act to Eliminate the Requirement That a Person Provide a Social Security Number for a Driver's License"

H.P. 80 L.D. 89

Bill "An Act to Prohibit the Use of Handheld Devices While Operating a Motor Vehicle"

H.P. 91 L.D. 95

Resolve, to Name Route 302 the 10th Mountain Division Highway

H.P. 95 L.D. 99

Bill "An Act to Restrict the Use of Handheld Telephones while Driving"

H.P. 98 L.D. 102

Bill "An Act to Remove the Weight Limit Restrictions on Vanity Registration Plates"

H.P. 109 L.D. 113

Resolve, Requiring that the Waldo-Hancock Bridge be Replaced

H.P. 110 L.D. 114

Resolve, to Create a Turnpike Exit 9 Pass

H.P. 112 L.D. 116

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act to Revise the Hampden Water District Charter"

H.P. 118 L.D. 122

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

**Pursuant to Joint Study Order
Joint Study Committee to Study Bomb Threats
in Maine Schools**

The **Joint Study Committee to Study Bomb Threats in Maine Schools** pursuant to Joint Study Order H.P. 1938 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations that Relate to Juvenile and Criminal Law of the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY)

H.P. 89 L.D. 93

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

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

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 401, in concurrence.

**Pursuant to Joint Order
Joint Study Committee to Study Bomb Threats
in Maine Schools**

The **Joint Study Committee to Study Bomb Threats in Maine Schools** pursuant to Joint Study Order H.P. 1938 asked leave to report that the accompanying Bill "An Act to Implement the Minority Recommendations Relating to Criminal and Juvenile Law of the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY)

H.P. 90 L.D. 94

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

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

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 401, in concurrence.

**Pursuant to Statutes
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act to Specify That Possession of Sexually Explicit Materials by Way of the Internet is Criminal"

H.P. 121 L.D. 125

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

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

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

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

Joint Orders

The following Joint Order: H.P. 84

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 206, section 3 as follows:

3. Indian Representatives. The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

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

READ.

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

The following Joint Study Order: H.P. 122

ORDERED, the Senate concurring, that the Joint Select Committee on the Psychiatric Treatment Initiative is established as follows.

Sec. 1. Committee established. The Joint Select Committee on the Psychiatric Treatment Initiative, referred to in this order as the "committee," is established to work with the interested parties in the community and to report regarding the actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services regarding the recommendations for improved community services as described in the executive summary of the report "Maine Inpatient Treatment Initiative: Civil and Forensic."

Sec. 2. Membership. The presiding President of the Senate shall appoint 4 members from the Senate, 2 of whom must be members of the Democratic Party and 2 of whom must be members of the Republican Party. The Speaker of the House shall appoint 4 members from the House of Representatives, 2 of whom must be members of the Democratic Party and 2 of whom must be members of the Republican Party. In making appointments, preference must be given to members of the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice.

Sec. 3. Appointments; chairs; convening of committee. All appointments must be made no later than August 1, 2001. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than September 1, 2001. The committee may meet up to 4 times to carry out its duties.

Sec. 4. Duties. The duties of the committee include:

1. Overseeing the efforts of the Department of Mental Health, Mental Retardation and Substance Abuse Services to address the recommendations for departmental action detailed in pages 24 to 26 of the executive summary of the report "Maine Inpatient Treatment Initiative: Civil and Forensic";

2. Working with community hospitals, community psychiatric hospitals, community providers, consumers of mental health services and interested members of the public; and

3. Reporting on the actions taken by the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice by November 1, 2002. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

Sec. 5. Staff assistance. Staffing may be provided by the Office of Policy and Legal Analysis by request of the committee to the Legislative Council, with secondary staffing provided by the Department of Mental Health, Mental Retardation and Substance Abuse Services. The department shall provide information, data and research services as reasonably required by the committee. The committee shall request the assistance of and shall invite to their meetings representatives of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections.

Sec. 6. Compensation. The members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee.

Comes from the House, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

READ.

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

The following Joint Order: H.P. 125

ORDERED, the Senate concurring, that 2 joint select committees of the 120th Legislature be established; and be it further

Sec. 1. ORDERED, 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 section 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 2 House members from the Joint Standing Committee on Business and Economic Development. 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 review legislation referred to it by the Legislature and, with the approval of the President of the Senate and the Speaker of the House, to report out legislation related to research and development;

B. 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

C. 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 week, 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 per diem reimbursement of expenses in the same manner as members of joint standing committees; and be it further

Sec. 2. ORDERED, that the Joint Select Committee on Youth at Risk is established as follows.

1. Establishment. The Joint Select Committee on Youth at Risk, referred to in this section as the "committee," is established.

For purposes of this order, "youth at risk" is defined as:

A. Youth who are without proper care or subsistence, education, a home, or medical or other care necessary for well-being or who are in need of mental health services;

B. Youth who are without or beyond the control of their parents or legal guardians;

C. Youth who are in foster care;

D. Youth who are in imminent danger of serious physical, mental or emotional injury; or

E. Youth who are at risk of prosecution for a juvenile offense.

2. Membership. The committee consists of 3 members from the Senate appointed by the President of the Senate and 10 members of the House of Representatives appointed by the Speaker of the House. The members must include at least one Senate member and 2 House members from each of the following joint standing committees: the Joint Standing Committee on Criminal Justice, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The first named Senate member is the Senate chair and the first named House member is the House of Representatives chair.

3. Responsibilities. The committee has the following responsibilities:

A. To review legislation referred to it by the Legislature concurrently with the joint standing committee having jurisdiction over the policy area and, with the approval of the President of the Senate and the Speaker of the House, to report out legislation related to youth at risk;

B. To analyze the causes contributing to youth at risk and to develop and propose measures to eliminate or reduce the causes contributing to youth at risk; and

C. To perform other tasks that may be 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 youth at risk.

4. Meetings; staffing. The committee may meet once per week, on a day determined by the President of the Senate and the Speaker of the House, as necessary to complete its work. The Office of Policy and Legal Analysis and the Office of Fiscal and Program Review 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 per diem and reimbursement of expenses in the same manner as members of joint standing committees.

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

READ.

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

COMMUNICATIONS

The Following Communication: H.P. 123

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMITTEE TO STUDY FURTHER DECRIMINALIZATION OF
THE CRIMINAL LAWS OF MAINE**

January 5, 2001

The Honorable President Michael H. Michaud
The Honorable Speaker Michael V. Saxl
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Michaud & Speaker Saxl:

Pursuant to H.P. 1914, as amended by Senate Amendment "A" (S-722), the Committee to Study Further Decriminalization of the Criminal Laws of Maine is pleased to submit its final report including legislation. Copies of the report have been transmitted to the Legislative Council, and the chairs of the Joint Standing Committees on Banking and Insurance, Business and Economic Development, Inland Fisheries and Wildlife, Marine Resources, Agriculture, Conservation and Forestry, Judiciary and Natural Resources. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Robert E. Murray, Jr., Senate Chair

S/Representative Charles C. LaVerdiere, House Chair

Comes from the House, **READ** and with accompanying papers **ORDERED PLACED ON FILE.**

READ and with accompanying papers **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: S.C. 23

**REPORT OF THE COMMITTEE ON
SENATORIAL VOTE
STATE OF MAINE**

January 16, 2001

The Honorable Michael H. Michaud
President of the Senate
3 State House Station
Augusta, ME 04333

Dear President Michaud,

In compliance with Senate Order 3 of December 6, 2000, the Committee appointed by you to examine the returns of votes for

Senators for the political years 2001 and 2002, has attended to its duties and asks leave to report that the returns of the votes cast, as submitted by the Secretary of State to the President of the Senate, meets with the approval of the Committee.

Sincerely,

S/Senator Anne M. Rand
Senatorial Vote Committee

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act to Increase the Adult Education State Subsidy by a Specific Percentage"

S.P. 38 L.D. 136

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Representative BRUNO of Raymond and
Senators: CATHCART of Penobscot, NUTTING of Androscoggin,
SMALL of Sagadahoc, Representatives: BERRY of Livermore,
JONES of Greenville, MAILHOT of Lewiston, NASS of Acton,
TESSIER of Fairfield.

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

Sent down for concurrence.

Bill "An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund"

S.P. 32 L.D. 130

Sponsored by Senator McALEVEY of York.
Cosponsored by Representative MAYO of Bath and
Senator: DAVIS of Piscataquis, KNEELAND of Aroostook,
LaFOUNTAIN of York, SAVAGE of Knox, Representatives: CARR
of Lincoln, FULLER of Manchester, POVICH of Ellsworth,
WHEELER of Bridgewater.

Resolve, to Establish a Cold Case Homicide Squad within the Department of Public Safety

S.P. 34 L.D. 132

Sponsored by Senator McALEVEY of York.
Cosponsored by Senator: DAVIS of Piscataquis, Representatives:
ANDREWS of York, SNOW-MELLO of Poland, TRAHAN of
Waldoboro.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the State Autopsy Law"
S.P. 30 L.D. 128

Sponsored by Senator McALEVEY of York.
Cosponsored by Senator: WOODCOCK of Franklin,
Representatives: ANDREWS of York, McGLOCKLIN of Embden.

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

Sent down for concurrence.

Bill "An Act to Change the Crop Damage by Nuisance Animal Requirements"

S.P. 29 L.D. 127

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative CLARK of Millinocket and
Senators: ABROMSON of Cumberland, CARPENTER of York,
McALEVEY of York, WOODCOCK of Franklin, YOUNGBLOOD of
Penobscot, Representative: GOOLEY of Farmington.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Ban Partial Birth Abortion"

S.P. 37 L.D. 135

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative CRESSEY of Baldwin,
Representative WATERHOUSE of Bridgton and Senators:
KNEELAND of Aroostook, SHOREY of Washington,
Representatives: ANDREWS of York, CARR of Lincoln, CLARK
of Millinocket, DAVIS of Falmouth, KASPRZAK of Newport,
STANLEY of Medway.

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

Sent down for concurrence.

Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses" (EMERGENCY)

S.P. 35 L.D. 133

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Representative TUTTLE of Sanford and
Senator: TURNER of Cumberland, Representatives:
LABRECQUE of Gorham, MAYO of Bath.

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

Sent down for concurrence.

Bill "An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses" (EMERGENCY)

S.P. 33 L.D. 131

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representatives: DUPLESSIE of Westbrook,
TOBIN of Windham.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Exempt Holocaust Survivors' Compensation from Maine Income Tax"

S.P. 31 L.D. 129

Sponsored by Senator ABROMSON of Cumberland.
Cosponsored by Speaker SAXL of Portland and Senators: DAVIS
of Piscataquis, President MICHAUD of Penobscot, ROTUNDO of
Androscoggin, SAWYER of Penobscot, YOUNGBLOOD of
Penobscot, Representatives: MARLEY of Portland, PERRY of
Bangor.

Bill "An Act to Amend the Laws Governing the Reporting Provisions Regarding Gasoline Consumption by Recreational Vehicles"

S.P. 36 L.D. 134

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative BULL of Freeport and Senator:
NUTTING of Androscoggin.

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

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

HELD MATTER

On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in concurrence, the following:

Bill "An Act to Require That Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers"

H.P. 56 L.D. 65

(In House, January 9, 2001, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.)

(In Senate, January 11, 2001, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.)

On further motion by same Senator, **REFERRED** to the Committee on **CRIMINAL JUSTICE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (1/11/01) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions

H.P. 50 L.D. 59

Tabled - January 11, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **REFERENCE**

(In House, January 11, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

(In Senate, January 11, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, and ordered printed, in concurrence. Subsequently, on motion by President Pro Tem **BENNETT** of Oxford, **RECONSIDERED**.)

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by President Pro Tem **BENNETT** of Oxford, **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Animal Trespass Laws"

H.P. 128 L.D. 139

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Promote High Technology Training Programs in Maine Schools"

H.P. 135 L.D. 146

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

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

Bill "An Act to Provide Services to People with Autism"
H.P. 138 L.D. 149

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

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

House Papers

Bill "An Act to Ensure that Persons Issuing Bad Checks are Solely Responsible for Overdraft Charges"
H.P. 131 L.D. 142

Bill "An Act to Reduce Finance Charges on Consumer Loans"
H.P. 142 L.D. 153

Bill "An Act to Amend the Law Governing Unfair Claims Settlement Practices"
H.P. 143 L.D. 154

Bill "An Act to Provide Insurance Plan Coverage for Small Employers"
H.P. 147 L.D. 158

Bill "An Act to Require a Separate Long-term Care Insurance License"
H.P. 164 L.D. 175

Come from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Allow Landlords to Participate in the Fuel Assistance Program" (EMERGENCY)
H.P. 132 L.D. 143

Bill "An Act to Extend the Lemon Law to Snowmobiles"
H.P. 149 L.D. 160

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Laws Regarding Sex Offender Registration"
H.P. 159 L.D. 170

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed, in concurrence.

(See action later today.)

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect the Academic Integrity of Maine's Institutions of Higher Learning"
H.P. 136 L.D. 147

Bill "An Act to Provide Equal Access for Meeting the Needs of Students at Public Institutions of Higher Education"
H.P. 139 L.D. 150

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide Accountability in the Handling of Funds for Consumers of Mental Health Services"

H.P. 126 L.D. 137

Bill "An Act Concerning Standardized Contracts for Long-term Care Services"

H.P. 157 L.D. 168

Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments (EMERGENCY)

H.P. 161 L.D. 172

Resolve, Directing the Department of Human Services to Amend the Rules Regarding Congregate Housing

H.P. 162 L.D. 173

Bill "An Act Regarding Child Abuse and Neglect Investigation"

H.P. 166 L.D. 177

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, for a Multi-year Experimental Program to Test the Effectiveness of Stocking Smelt in Maine Waters

H.P. 130 L.D. 141

Bill "An Act to Ensure that Fishways on Inland Waters are Working"

H.P. 140 L.D. 151

Bill "An Act to Provide Free Commercial Shooting Area Licenses For Seniors"

H.P. 155 L.D. 166

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Change the Criteria for Intervenor Status"
H.P. 151 L.D. 162

Bill "An Act to Provide Immunity for Guardians Ad Litem"
H.P. 153 L.D. 164

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Require the State to Pay Medicare Costs for Retired Employees, Retired Teachers and Retirees in Participating Local Districts"
H.P. 141 L.D. 152

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"
H.P. 145 L.D. 156

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act to Repeal the Element of Maine's Growth Management Laws that Voids Municipal Land Use Ordinances"
H.P. 154 L.D. 165

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act to Ensure the Continuing Beauty and Accessibility of Capitol Park"
H.P. 158 L.D. 169

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Exempt Sales of Clothing from Tax for 2 Weeks in August"
H.P. 127 L.D. 138

Bill "An Act to Protect Senior Homeowners"
H.P. 134 L.D. 145

Bill "An Act to Require the State to Reimburse Communities and Unorganized Territories for Loss of Tax Revenue when the State Purchases 100 Acres or More of Land"
H.P. 160 L.D. 171

Bill "An Act to Amend the Determination of Penalty for the Tree Growth Tax Law"
H.P. 163 L.D. 174

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

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Reduce the Tax on Gasoline"
H.P. 133 L.D. 144

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

On motion by Senator **SMALL** of Sagadahoc, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require the Commissioner of Transportation to Accelerate Repairs that Improve Access Roads to Rural Areas of the State" (EMERGENCY)

H.P. 129 L.D. 140

Resolve, Directing the Department of Transportation to Place Signs for Chamberlain Freedom Park on Existing Signposts on Interstates 95 and 395

H.P. 137 L.D. 148

Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities

H.P. 144 L.D. 155

Bill "An Act to Provide Funding for Route 1 Road Construction from Topsfield to Houlton"

H.P. 156 L.D. 167

Bill "An Act Providing for the Revocation of a Driver's License upon Conviction for Certain Crimes"

H.P. 165 L.D. 176

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers"

H.P. 146 L.D. 157

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Resolve
Committee to Develop a Compensation Program
for Victims of Abuse at the
Governor Baxter School for the Deaf**

The **Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf** pursuant to Resolve 1999, chapter 127, Part B asked leave to report that the accompanying Bill "An Act to Implement the Continuation of Service Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf" (EMERGENCY)

H.P. 167 L.D. 178

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

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

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

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

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Department of Economic and Community Development**

The **Department of Economic and Community Development**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 11: Rules for the Maine Biomedical Research Program, a Major Substantive Rule of the Department of Economic and Community Development (EMERGENCY)

H.P. 150 L.D. 161

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

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

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

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:

Bill "An Act to Appropriate Funds for the Bath Higher Education Center"

H.P. 107 L.D. 111

Tabled - January 16, 2001, by Senator **TREAT** of Kennebec

Pending - **REFERENCE**

(In House, January 11, 2001, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Create a Uniform Standard Governing Legislative Leaves of Absence"

H.P. 53 L.D. 62

Tabled - January 16, 2001, by Senator **TREAT** of Kennebec

Pending - **REFERENCE**

(In House, January 11, 2001, **REFERRED** to the Committee on **LABOR** and ordered printed.)

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

JOINT ORDER - relative to amending the Joint Rules by amending Joint Rule 206, section 3 (Indian Representatives).
H.P. 84

Tabled - January 16, 2001, by Senator **TREAT** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, January 11, 2001, **READ** and **PASSED**.)

(In Senate, January 16, 2001, **READ**.)

The Chair ordered a Division. 33 Senators having voted in the affirmative and no Senators having voted in the negative **PASSED**, in concurrence.

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

JOINT STUDY ORDER - relative to establishing the Joint Select Committee on the Psychiatric Treatment Initiative.

H.P. 122

Tabled - January 16, 2001, by Senator **TREAT** of Kennebec

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

(In House, January 11, 2001, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, January 16, 2001, **READ**.)

Senator **TREAT** of Kennebec moved to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

The Chair ordered a Division. 15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **TREAT** of Kennebec to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence, **FAILED**.

(See action later today.)

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

JOINT ORDER - relative to the establishment of the Joint Select Committee on Research and Development and the Joint Select Committee on Youth at Risk of the 120th Legislature.

H.P. 125

Tabled - January 16, 2001, by Senator **TREAT** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, January 11, 2001, **READ** and **PASSED**.)

(In Senate, January 16, 2001, **READ**.)

The Chair ordered a Division. 9 Senators having voted in the affirmative and 24 Senators having voted in the negative **FAILED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

President Pro Tem **BENNETT** of Oxford was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by the President.

Senator **SMALL** of Sagadahoc inquired if the Senate was in possession of the following:

JOINT STUDY ORDER - relative to establishing the Joint Select Committee on the Psychiatric Treatment Initiative.
H.P. 122

(In House, January 11, 2001, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, January 16, 2001, **READ** and **REFERENCE** to the Committee on **HEALTH AND HUMAN SERVICES**, **FAILED**.)

On further motion by same Senator, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **CRIMINAL JUSTICE**, in concurrence, the following:

Bill "An Act to Amend the Laws Regarding Sex Offender Registration"

H.P. 159 L.D. 170

(In House, January 16, 2001, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.)

(In Senate, January 16, 2001, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed, in concurrence.)

On further motion by same Senator, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Thursday, January 18, 2001, at 10:00 in the morning.