

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
December 6, 2000 to May 23, 2001

Pages 1 - 911

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

In Senate Chamber
Tuesday
April 10, 2001

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

Prayer by President Pro Tem Richard A. Bennett of Oxford County.

President Pro Tem **BENNETT**: Good morning. Dear Father, we greet a bright and beautiful new day. Each new day is a new beginning. With today's new beginning, we ask You to keep us from harm. We ask You to keep our hearts and tongues from strife. Let not our anger roar. Let not our eyes see evil sights. Let not our ears hear vanities. Let us not be turned by folly. Let us not be hindered by pride. Let us look upon our peers as good and rightful people and if we see less than that, let us make sure we are not looking in a mirror. Amen.

Pledge of Allegiance led by Senator Kenneth T. Gagnon of Kennebec County.

Doctor of the day, Harry W. Grimmnitz, M.D., MaineGeneral Medical Center in Augusta.

Reading of the Journal of Thursday, April 5, 2001.

Off Record Remarks

Senator **CARPENTER** of York was granted unanimous consent to address the Senate on the Record.

Senator **CARPENTER**: Thank you, Mr. President. Women and men of the Maine Senate. I'm not sure which group brought us this beautiful day, whether it was the bankers or the Boy Scouts. But for what I have to do, I would say it's the Memorial Legislative Scholarship recipients that we have with us today. There are eight out of the sixteen of them present. I just wanted to mention for those that are here that are not familiar with this scholarship, it's something that we've run here in the legislature for about ten years now. It's made up, basically, of just a large auction that we had this past month, on Tuesday, March 27th. We raised \$16,000 for scholarships. We're saving quite a bit of that in endowment funds so that it will be self-funding or we'll have larger scholarships in the years to come. It's now my pleasure to

come down front and present the scholarships to the eight recipients that are here. Each one is for \$500. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **CARPENTER** to the Well of the Senate to distribute the scholarship awards.

THE PRESIDENT: As each award recipient is called, would they and their Senator come down to receive their scholarship award. If the family wishes to take photos they are welcome to. If you would like to be in the photo, please come to the well of the Chamber.

Travis Frost, who is attending Southern Maine Technical College, with Senator Goldthwait; Jessica Norton, who is attending Husson College, with Senator Kilkelly; Jennifer Giles, who is attending the University of Maine, with Senator Kilkelly; Brianna Haynes, who is attending the University of Maine, with Senator Cathcart; Angela Curtis, who is attending Husson College, with Senator Shorey; Kevin Doyle, who is attending Bowdoin College, with Senator McAlevey; Anna Somma, who is attending Colby College, with Senator Carpenter; and Amanda Moran, who is attending the University of Maine in Farmington, with Senator Carpenter.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 189

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 4, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 223 | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Reserve Funds |
| L.D. 283 | An Act to Require First Responders to Carry and Administer Epinephrine Autoinjectors |
| L.D. 448 | An Act to Discourage the Use of Dangerous Drugs |

L.D. 737 An Act to Create the Infrastructure Trust Fund

L.D. 793 An Act to Provide an Appropriation for
"mainescience.org"

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. Randall L. Berry
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 190

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1100 An Act to Allow Municipal Officers to Negotiate Employment Contracts with School Employees

L.D. 1223 An Act to Allow a School Board to Suspend a Student for Rest of Term for Violent Behavior

L.D. 1234 An Act to Strengthen the State's Truancy Law

L.D. 1318 An Act to Improve the Academic Climate in Schools

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Betty Lou Mitchell
Senate Chair

S/Rep. Shirley K. Richard
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 191

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
HEALTH AND HUMAN SERVICES**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 689 An Act to Require Newborn Screening for Metabolic Abnormalities and Genetic or Biochemical Disorders

L.D. 740 An Act to Provide Relief for Patients with Chronic Pain

L.D. 1506 An Act to Ban Powdered Latex Gloves

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Thomas J. Kane
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 192

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON JUDICIARY**

April 4, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 10, 2001

- L.D. 164 An Act to Provide Immunity for Guardians Ad Litem
- L.D. 242 An Act to Amend the Freedom of Access Laws
- L.D. 849 An Act Regarding Social Security Numbers Used for Identification Purposes
- L.D. 1111 An Act to Increase the Civil Liability of Parents for the Criminal Conduct of their Children
- L.D. 1238 An Act to Allow the Filing of a Declaration of Homestead
- L.D. 1286 An Act to Extend Landowner Limited Liability to Environmental Liability

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Anne M. Rand S/Rep. Charles C. LaVerdiere
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 193

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON LABOR**

April 4, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 442 An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits
- L.D. 1102 An Act to Address the Critical Shortage of Teachers and School Administrators in Maine Public Schools
- L.D. 1197 An Act to Amend the Limits on Earnable Compensation for State Employee Retirement
- L.D. 1205 An Act to Improve Enforcement of Wage and Hour, Safety and Other Labor Laws

- L.D. 1245 An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers
- L.D. 1314 An Act to Remove the Penalty for Education Retirees Who Work After Retirement

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Betheda G. Edmonds S/Rep. Zachary E. Matthews
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 194

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 7 Resolve, Authorizing Bonnie Dunn to Sue the State
- L.D. 1126 An Act to Provide a Standard Residency Requirement for the Purpose of Registering to Vote

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 195

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 15 An Act to Allow Persons Completing the Lobster Apprentice Program Admission to Limited-entry Zones
- L.D. 327 An Act Relating to the Scallop Count
- L.D. 644 An Act to Amend the Laws Governing the Lobster Tag System
- L.D. 1158 An Act Relating to Daily Catch Limits for Scallops

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth F. Lemont S/Rep. David G. Lemoine
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 196

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

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 985 Resolve, Creating a Governance System for Unorganized Towns
- L.D. 1177 An Act to Amend the Laws Governing Election of Somerset County Commissioners
- L.D. 1452 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Constitutional Officers and State Auditor

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. Martha A. Bagley
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 197

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON TAXATION**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 616 An Act to Exempt Over-the-counter Medications From the Sales Tax
- L.D. 632 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Municipalities the Option of Exempting Personal Property from Taxation if No Property Owner in the Municipality Owns More than 2% of the Taxable Property in the Municipality
- L.D. 697 Resolve, Decreasing the Gasoline Tax by 10 Cents Per Gallon
- L.D. 818 An Act to Exempt from the Sales Tax the Deposit on Automotive Cores
- L.D. 846 An Act to Provide Equity in Taxation of Certain Mobile Homes
- L.D. 1046 An Act Relating to the Taxation of Food

- L.D. 1052 An Act to Prorate Excise Tax on Commercial Vehicles that are Rented
- L.D. 1148 An Act to Implement the Recommendations of the Maine Millennium Commission on Hunger and Food Security to Expand the Maine Earned Income Tax Credit Program to Make It Refundable and Increase the Amount of Benefit a Family Can Receive
- L.D. 1161 An Act to Make Higher Education More Affordable for Maine Families
- L.D. 1196 An Act to Promote Equitable Distribution of Motorboat Gas Tax Revenues to the Department of Marine Resources and the Boating Facility Fund
- L.D. 1206 An Act to Adjust Taxation for Fire Suppression
- L.D. 1248 An Act to Bring Equity to the Vehicle Excise Tax

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Bonnie Green
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 198

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON TAXATION**

April 4, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 82 An Act to Allow Municipalities to Establish a Local Option Sales and Use Tax
- L.D. 134 An Act to Amend the Laws Governing the Reporting Provisions Regarding Gasoline Consumption by Recreational Vehicles

- L.D. 338 An Act to Increase Funding for Animal Welfare Programs
- L.D. 406 An Act to Reduce Tree Growth Tax Benefits to Landowners Who Ship Raw Timber Outside the Country
- L.D. 531 An Act to Reimburse Collectors of Sales and Use Taxes
- L.D. 1057 An Act to Clarify the Definition of "Charitable Institution" for Purposes of Property Tax Exemption
- L.D. 1061 An Act to Reduce Tree Growth Tax Benefits to Landowners Who Employ Migrant Workers
- L.D. 1062 An Act to Reduce Tree Growth Tax Benefits to Landowners Who Restrict Access to Their Land
- L.D. 1109 An Act to Clarify Conditions of Eligibility for Property Tax Exemptions for Benevolent and Charitable Institutions
- L.D. 1113 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit a Parcel of Land to be Withdrawn from the Maine Tree Growth Tax Program after 20 Years Without Penalty
- L.D. 1539 An Act to Promote Charitable Giving in the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Bonnie Green
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 199

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON TRANSPORTATION**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 167 An Act to Provide Funding for Route 1 Road Construction from Topsfield to Houlton
- L.D. 771 An Act to Increase Penalties for Those Violating Covered-load Laws
- L.D. 814 An Act to Promote Safety on the Highways
- L.D. 989 An Act to Strengthen Truck Weight Laws to Deter Gross Vehicle Weight Violations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Christine R. Savage
Senate Chair

S/Rep. Charles D. Fisher
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

ORDERS

Joint Resolution

On motion by Senator **LaFOUNTAIN** of York (Cosponsored by Representative **O'NEIL** of Saco and Senator **ABROMSON** of Cumberland, President **MICHAUD** of Penobscot, President Pro Tem **BENNETT** of Oxford, Senator **DOUGLASS** of Androscoggin, Representatives: **CANAVAN** of Waterville, **DUDLEY** of Portland, **GLYNN** of South Portland, **MARRACHE** of Waterville, **MAYO** of Bath, **MICHAEL** of Auburn, Speaker **SAXL** of Portland, **SMITH** of Van Buren, **SULLIVAN** of Biddeford, **YOUNG** of Limestone), the following Joint Resolution: S.P. 594

JOINT RESOLUTION RECOGNIZING THE "2001 AMERICA'S PROMISE VOLUNTEERS" OF THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for over 100 years; and

WHEREAS, the associations' members continue to demonstrate their commitment to children and to their communities through support for the America's Promise campaign, chaired by our nation's Secretary of State, Retired General Colin Powell, and for Maine's Communities for Children programs and through community contributions in excess of \$6,000,000; and

WHEREAS, the industry's 10,000-plus employees are contributing over 500,000 volunteer hours annually, which are helping to provide 5 fundamental resources of the America's Promise campaign to children in their communities: an ongoing relationship with a caring adult, such as a mentor, coach or tutor; safe places and structured activities during nonschool hours; a

healthy start; a marketable skill through effective education; and an opportunity to give back through community service; and

WHEREAS, the volunteer contributions of the employees of the associations' members are being recognized annually as "America's Promise Volunteers"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks and their "2001 America's Promise Volunteers" for their commitment and contributions to helping Maine's youth attain the fundamental resources necessary to succeed as adults:

Sharon Seeling, Acadia Trust, N.A.
Darlene Hawkes, Bangor Savings
Peter Sylvestre, Biddeford Savings
Barbara Hanson, Camden National
Sue Norton, The FIRST
Penny Ward, Fleet, N.A.
Leeanna Wilbur, Franklin Savings
Kathryn Howes, Katahdin Trust
Theresa Sampietro, Key Bank, N.A.
Debra Getchell, Machias Savings
Alison Bailey, Merrill Bank
Roxanne Ames, Norway Savings
Karen Hart, Skowhegan Savings
Jane Dagley, Union Trust

Gillian Trapp, United Kingfield Bank
Joan Derocher-Gamache, Androscoggin Savings Bank
Ann Ulrickson, Bath Savings Institution
Diane Hunnewell, Calais Federal Savings & Loan
Margaret Collamore-Campbell, Damariscotta Bank & Trust
Gail Sargent, 1st National Bank of Bar Harbor
Leo Soucy, Fleet, N.A.

Lewis Curtis, Forum Financial Group, LLC
James Chase, Kennebec Savings
Jeffrey Turcotte, Kennebunk Savings
Bob Oxtan, MBNA-New England
Lynn Hamper, Northeast Bank, FSB
Dena Boston, Ocean National Bank
Carolyn Lamontagne, Saco & Biddeford Savings
Christine Duprez, Sanford Institution for Savings; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks.

READ.

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

Senator LaFOUNTAIN: Thank you, Mr. President. Men and women of the Senate. As most of you know, today is Bankers Day here at the legislature and sitting behind me and around this room are numerous members of the Maine Bankers Association and the Maine Association of Community Banks. In 1999, both organizations invested themselves into participation in the American Promise campaign, which is a campaign with the sole purpose of helping our nations' youth. Today we have numerous

people recognized in this Joint Resolution who have committed a numerous amount of time and effort into fulfilling the bankers investment into that campaign. Thank you.

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

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates"

H.P. 782 L.D. 1026

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.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, to Establish a Fatherhood Issues Study Commission

H.P. 370 L.D. 472

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-87)**.

Signed:

Senators:

RAND of Cumberland
McALEVEY of York

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn

SHERMAN of Hodgdon
MENDROS of Lewiston

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

Signed:

Senator:

FERGUSON of Oxford

Representatives:

MADORE of Augusta
WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87)**.

Reports **READ**.

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

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

Senate

Ought to Pass

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act Related to the Financial Regulation of Health Maintenance Organizations"

S.P. 387 L.D. 1284

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Laws Pertaining to the Control of Disease in Poultry"

S.P. 259 L.D. 906

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-49)**.

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

READ ONCE.

Committee Amendment "A" (S-49) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Streamline the Administration of the Potato Marketing Improvement Fund"
S.P. 451 L.D. 1505

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-50)**.

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

READ ONCE.

Committee Amendment "A" (S-50) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Mixed Automobile Insurance"
S.P. 45 L.D. 213

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-41)**.

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

READ ONCE.

Committee Amendment "A" (S-41) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Exempt Holocaust Survivors' Compensation from Maine Income Tax"
S.P. 31 L.D. 129

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-42)**.

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

READ ONCE.

Committee Amendment "A" (S-42) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act to Authorize the Department of Transportation to Locate and Construct Railroad Lines"
S.P. 140 L.D. 463

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-46)**.

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

READ ONCE.

Committee Amendment "A" (S-46) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SAVAGE for the Committee on **TRANSPORTATION** on Bill "An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License"
S.P. 208 L.D. 773

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-47)**.

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

READ ONCE.

Committee Amendment "A" (S-47) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SAVAGE for the Committee on **TRANSPORTATION** on Bill "An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)
S.P. 212 L.D. 777

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-48)**.

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

READ ONCE.

Committee Amendment "A" (S-48) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Campaign Contributions"

S.P. 46 L.D. 214

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath
HEIDRICH of Oxford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Senator:

WOODCOCK of Franklin

Reports **READ**.

On motion by Senator **BROMLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company" (EMERGENCY)

S.P. 159 L.D. 503

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-45)**.

Signed:

Senators:

FERGUSON of Oxford
TREAT of Kennebec
CARPENTER of York

Representatives:

SAVAGE of Buxton
RINES of Wiscasset
PERKINS of Penobscot
BERRY of Belmont
McGLOCKLIN of Embden
DUNCAN of Presque Isle
BLISS of South Portland
HALL of Bristol

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

Signed:

Representatives:

CRABTREE of Hope
GOODWIN of Pembroke

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-45) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery"

H.P. 93 L.D. 97

Bill "An Act to Improve Employment and Postsecondary Education Outcomes for Youth with Disabilities Exiting Maine's High Schools"

H.P. 174 L.D. 185

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

House As Amended

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 10, 2001

Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

H.P. 180 L.D. 191
(C "A" H-82)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge"

H.P. 300 L.D. 378
(C "A" H-83)

Bill "An Act to Amend Disclosure Reporting Requirements"

H.P. 310 L.D. 388
(C "A" H-90)

Bill "An Act to Amend the Maine Consumer Credit Code"

H.P. 322 L.D. 412
(C "A" H-80)

Bill "An Act to Amend the Definition of 'Health Insurance'"

H.P. 323 L.D. 413
(C "A" H-81)

Bill "An Act to Amend the Laws Governing Placards for Handicapped Motor Vehicle Operators"

H.P. 353 L.D. 443
(C "A" H-84)

Bill "An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification"

H.P. 396 L.D. 517
(C "A" H-85)

Bill "An Act to Promote Affordable Housing for the Elderly"

H.P. 397 L.D. 518
(C "A" H-89)

Bill "An Act to Amend the Charter of the Gray Water District"

H.P. 480 L.D. 620
(C "A" H-86)

Bill "An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles"

H.P. 654 L.D. 854
(C "A" H-79)

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

Senate As Amended

Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits"

S.P. 81 L.D. 301
(C "A" S-40)

Bill "An Act to Modify the Maine Student Incentive Scholarship Program"

S.P. 300 L.D. 1011
(C "A" S-39)

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/5/01) Assigned matter:

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act to Enhance Tourism Promotion and Increase State Revenues"

H.P. 1230 L.D. 1677

Report- Refer to the Committee on **Business and Economic Development**

Tabled - April 5, 2001, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In House, April 4, 2001, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.)

(In Senate, April 5, 2001, Report **READ**.)

Report **ACCEPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (4/5/01) Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Encourage Maine's Best and Brightest Students to Continue their Education in the State of Maine"

H.P. 577 L.D. 732

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (6 members)

Tabled - April 5, 2001, by Senator **MITCHELL** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In House, April 4, 2001, Reports **READ** and Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, April 5, 2001, Reports **READ**.)

On motion by Senator **MITCHELL** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

The Chair laid before the Senate the following Tabled and Later (4/5/01) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Place a Time Limit on the Award of Spousal Support" H.P. 184 L.D. 195

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (6 members)

Tabled - April 5, 2001, by Senator **RAND** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, April 4, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 5, 2001, Reports **READ**.)

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/4/01) Assigned matter:

HOUSE REPORTS - from the Committee **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prohibit Certain Conduct Relating to Elephants"

H.P. 488 L.D. 628

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

Minority - **Ought to Pass** (3 members)

Tabled - April 4, 2001, by Senator **KNEELAND** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, April 3, 2001, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 4, 2001, Reports **READ**.)

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

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

Senator **RAND:** Thank you, Mr. President and men and women of the Senate. I hope that you will reject the motion that is before us, Ought Not to Pass, so that we can go on to pass this piece of legislation. This bill has certainly generated far more interest and lobbying than anyone would have thought about a month ago. I have to tell you, I was disappointed when the committee voted it out Ought Not to Pass. But after a debate on the floor of the other body, which did see its way clear to pass this bill, I would encourage us to do the same. I've listened to the people working against this bill and I still haven't heard one good reason to vote against it. But I can think of a lot of reasons to support it. Opponents of the bill have said that there is no need for this legislation, but clearly if you have watched the video that was distributed, there is a need for this bill. To see handlers beating these magnificent animals with their hooks and primitive tools, beating them until, at some point in time, the animal strikes back and rampages. Then the police are called in to shoot the animal. They are actually well-prepared to do this. I watched the video, disgusted as police officers pumped bullet after bullet into the animal that had rampaged. Worst yet, in the hearing for this bill, when asked, nobody from the circus industry could tell us that our children would be safe from the elephants that were putting on a show. None of them could say it was, in fact, safe. There are approximately 280 elephants performing in circuses and traveling shows throughout this country. About 240 of them were taken from the wild. These were the babies taken from their mothers and brought here to do tricks for us. When that happens, an elephant is tied down and beaten to teach it who is in charge, who is the dominant master. Worst yet, the women who rides these animals don't like to sit on their backs because the hair is wiry. So to get rid of the hair, some circuses will chain the elephant and use a blow torch to remove the hair so that the women riding the elephant won't run her nylons. I have seen this on the video. This is clearly not filmed in a foreign country. These people are speaking very clear English. It was not filmed years ago. The representative from Ringling Circus didn't even believe the video existed. In fact, he told Representative **Muse** that it was nonsense until Representative **Muse** invited him to watch the tape and then his only reply was "those aren't Ringling elephants." I would

have to reply to that, so what? Does it make it okay? The fact that these abuses happen and the sad fact that these elephants are getting old, just like us, and as they get old they get a little more temperamental and they don't like being pushed around and poked. How many times do you suppose I could poke any of you before you finally got fed up and pushed back? The other reason Ringling and others want this bill killed is because, according to them, bringing the elephants here teaches our children what elephants are like. I've never seen an elephant in a jungle, but I don't think for one minute that any of them parade around in the wild wearing tutus and headdresses or are standing on their head or balancing on one foot. We were fortunate last week to have a visit from a woman named Carol Buckley. Carol worked in the circus for over 15 years as an elephant trainer. She owned her own elephant. She talked about abusing it and how the industry taught them to be dominant over the animal. If it didn't perform the way she wanted it, she must bring it out behind the big tent and beat it. If she didn't, she was taught that it would become a wild animal and very dangerous. She talked about elephants being hosed down with water and then subjected to electricity to shock them to show them who was boss. Carol Buckley finally decided that this was wrong, and after negotiating with International Paper in Tennessee, they gave her 2,000 acres and she opened the country's first elephant sanctuary. She has 7 elephants there now and has room and plans for holding as many as 100. Her facility is exactly like Ringling's retirement facility in that people are not allowed in there. But that is where the similarity ends. Ringling has twice as many elephants at their facility in an area smaller than a football field. Ringling elephants are all brought into a barn at night and chained with 3 or 4 ankles chained so that they can't move. They stand all night in their own urine and feces. At the elephant sanctuary the elephants have over 200 acres to roam freely as they chose and they are never chained. They have heated barns with automatic floor cleaning systems. They are allowed to live as elephants. This is why Mrs. Buckley doesn't allow people to interact with them. This is not a PETA bill, this is not some bill brought forward by some animal rights activist group. It is a bill that makes sense, that a 7 year old girl brought to her dad because she witnessed first hand elephants whose ankles were bleeding from chains and she didn't like it. I can't imagine that any of you do either. If we could stop all of the beatings with bull hooks to teach the elephants who was in charge and if we could invent nylons that didn't run because of the elephant's hair so the circus would stop using a blow torch to remove the hair, if we could do all of that, we would still have the basic problem which is the fact that these animals are just simply too big to safely and humanely transport from town to town to town. That, in and of itself, is abuse and we need to stop it. The Shriners say they need the circus for their fundraising event. We should note that they have also stated that none of the money generated from the circus goes to the Shriner's Hospital, it all stays here in Maine. There are over 35 circuses that have no elephants. Ringling Brothers themselves have opened a new branch of their circus with small, domesticated animals only. Almost all of these shows have indicated that they would be more than willing to come to Maine and work for the Shriners or whoever wanted to see them. L.D. 628 would prohibit elephant rides as well as the use of elephants in displays that require the animal to perform tricks. This bill would apply to circuses, carnivals, parades, petting zoos, and

traveling exhibits that remain at one location and stay for fewer than 60 days. Animal acts featuring elephants are dangerous to the public. Since 1990, captive elephants have been responsible for at least 50 deaths and hundreds of injuries worldwide. Due to the inherent dangers involved, elephant handling is rated as the deadliest occupation in the U.S. Department of Labor and the American Zoo and Aquarium Association has advised its member zoos to discontinue elephant rides. I think that just the very fact of the size and nature of these beasts that it is cruel treatment to chain them and not allow them to roam. I have to say that as a very strong Democrat, it pains me to admit that my favorite creature on this planet is an elephant. That is the truth. I hope that you join me in refusing to vote for the Ought Not to Pass report so that we can go on and pass this legislation. Thank you, Mr. President.

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

Senator NUTTING: Thank you, Mr. President. Ladies and gentlemen of the Senate. I hope that you will vote, as we did just a few minutes ago, to support the pending motion to support the majority Ought Not to Pass report. I, too, saw a video taken of a situation in Florida, I believe, 9 years ago. But I want to bring the discussion, the debate, to this state, the State of Maine. How elephants, in fact how all circus animals, are treated are regulated by two levels of government. The federal and at the state level. I distributed something about the Federal Animal Welfare Act that's been on the books now for years. The federal government has veterinarians that go around inspecting circuses without notice and do so regularly. But also, in our work session, I asked the head of the Animal Welfare Department in Maine if the Maine Animal Welfare Department had ever received any complaints as far as the way elephants were treated at circuses. The answer I received back was that yes, they had. Immediately a state veterinarian was sent out to investigate the situation. They've only had two complaints and both times a state veterinarian went out and didn't find anything. But my point is that this industry and these animals are protected by two levels of government, two different levels of veterinarians to check on their care. Now if you want to vote for something, I would suggest that you wait because in a couple of weeks, I firmly believe, the Agriculture, Conservation And Forestry Committee is going to be reporting out a new bill to restructure and improve further Maine's animal welfare system, to make response time even faster, to set even stronger rules about how animals are cared for in Maine. To me, ladies and gentlemen of the Senate, that is what we should be voting for, not this bill. It also was pointed out by the Circus Fans of America, many of whose Maine members showed up at the public hearing, spoke about their enjoyment of taking their children and grandchildren to the circus. But they pointed out to the committee that elephants have been domesticated for years and years. This is nothing new. So I urge you to vote for the pending motion. This industry is already regulated and in a few weeks, I believe, we're going to have before us a bill to strengthen our animal welfare system in Maine and improve it some more. I would suggest that that's where we need to put our efforts. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kneeland.

Senator KNEELAND: Thank you, Mr. President. Mr. President, men and women of the Senate. This bill had many hours in our hearing and a well debated work session with a 9 to 3 Ought Not to Pass report. This bill will not protect one elephant. Nor will this bill change the practices of some. L.D. 628 is not intended as a remedy for anything. This bill does not address animal care and handling or separation involvement or safety. It is an outright ban. Circus elephants live longer and happier lives than their zoo counterparts. They are more successful at reproduction and are more superior in physical and mental conditions. It is not uncommon for a retired circus elephant to live into their 70's. That's even older than I. As the committee heard in testimony from animal experts, circus trainers and caretakers of circus elephants, they are usually very well cared for and it has been found they even become part of the family when these people take care of these elephants. So I ask you to please vote for the pending motion. Thank you.

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

Senator KILKELLY: Thank you, Mr. President, men and women of the Senate. I also rise to urge you today to continue with your previous vote to support the Ought Not to Pass on this particular bill. It would be easy for us to pass this bill and say that we were solving a problem. My concern, as a member of the Agriculture, Conservation and Forestry Committee for the last 7 years, is that if we were to continue along this path of creating legislation around, not only a particular species of animal but also particular activities of that species of animal, we could end up probably tripling the volumes of legislation we currently have in order to accommodate what? And that's really the question. We do have laws on the book about animal abuse. One of the things that is interesting, as we heard from the previous speakers, was talk about public safety and that one of the reasons we needed to do this was for public safety. I ask you to overlay. Instead of elephants, lets talk about horses. Having had horses for many years, Senator Small and I actually were in the same horse 4-H Club many years ago. Horses are very unpredictable. Horses are very large. Horses participate in parades. They can be incredibly dangerous. I'm sure most people that have been around horses for any length of time will show you a variety of scars and bruises that can, in fact, support that they are, in fact, dangerous and unpredictable animals. They are also beautiful animals and they are majestic animals. In the riding stable I went to when I was a kid there was a sign that said "there's something about the outside of a horse that does good things to the inside of a person." That's exactly the way I feel about horses. My horses, when I had horses, were brought in every night. They were tied in stalls. Often it was a straight stall. That meant that they stood there tied all night long and they did, in fact, make a mess in that stall. Every morning I went out and cleaned that stall. I don't think that was abusive, I don't think that was cruel. They came in to be cared for and to be fed and that was an appropriate thing to do. So we can take all these circumstances and we can say that with elephants it's not safe, it's not okay, it's something we ought to stop. But where's that going to stop. Are we next going to say it's not really safe to have a large hitch of horses in a parade because, in fact, those horses are unpredictable and if one of them gets stung by a bee and you happen to be standing in the wrong place, you could be hurt. You could be killed. Your children could be hurt. Your children

could be killed. That's one of the things that we do when we get up every morning. We go out and say "what are the risks that I'm willing to take? Am I willing to get on a horse and go riding it? Am I willing to walk up to an elephant?" I rode an elephant once. I rode it in India. It was an amazing experience. The person who trained that elephant had been training elephants his whole life and he had gotten his skills from his father and his grandfather, who had also trained elephants. This isn't something new. We need to be very careful about the laws that we make. We need to be judicious in how we look at our roles as legislators and what is it that we need to legislate. We need good laws on animal abuse. We need to not tolerate the abuse of animals, not just elephants, not just horses, not just dogs and cats, but all animals. We have that in place now. There's a handout on the desk from the three Senate members of the Agriculture, Conservation and Forestry Committee. We are working diligently to strengthen those laws and those laws are good and appropriate. So I would just urge you to continue with your previous vote for Ought Not to Pass, allow our committee to continue to do the work it's doing on behalf of all animals and for the safety of all people in the state. I urge you to continue with that vote so we can move on to other business. Thank you.

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

Senator MCALEVEY: Thank you, Mr. President. Men and women of the Senate. I've looked at this issue from both sides. I've heard the industry. I've heard the advocates. It's my understanding that the ASPCA just filed a suit in federal court against Ringling Brothers alleging abuse to elephants. These are tools used by an industry. Most people who run good businesses are not going to abuse their tools. They are going to keep them in good working order. Just as we have good people and bad people, I'm sure there are abuses throughout that industry and I'm sure there are examples of people who take care of their animals as they should. But I think elephants are unique. When I first heard the bill I laughed at it. I thought this was a joke. I started looking at it and reading some of the literature on both sides. To me elephants are unique. They live 70 years. They're huge. There aren't that many in the United States. I, by nature, do not like regulating business. I think it has something to do with my political background. However, I submit to you that if these animals were living in our wilds in Maine, which obviously is an improbability, and they were suffering the ailments and abuse from the public that they suffer from the industry, we would have them on our endangered species list in a heartbeat. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Kneeland to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#22)

YEAS: Senators: CARPENTER, CATHCART,
DAGGETT, DAVIS, FERGUSON, GOLDTHWAIT,
KILKELLY, KNEELAND, LEMONT, LONGLEY,
MARTIN, MILLS, MITCHELL, NUTTING, O'GARA,
PENDLETON, ROTUNDO, SAVAGE, SAWYER,
SHOREY, SMALL, TREAT, TURNER,
WOODCOCK, YOUNGBLOOD, THE PRESIDENT -
MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, BROMLEY, DOUGLASS,
EDMONDS, GAGNON, LAFOUNTAIN, MCALEVEY,
RAND

ABSENT: Senator: ABROMSON

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **KNEELAND** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **SAWYER** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **WOODCOCK** of Franklin 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.

The President appointed the Senator from Cumberland, Senator **O'GARA**, to serve as President Pro Tem for the session on Wednesday, April 11, 2001.

On motion by Senator **O'GARA** of Cumberland, **ADJOURNED** to Wednesday, April 11, 2001, at 10:00 in the morning.