

# 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 24, 2001

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

Prayer by William Barr, State Chaplain, American Legion.

**CHAPLAIN BARR:** Let us be in an attitude of reflection. All mighty and gracious Father, with preparations in progress for another busy day in our Senate, we ask that You guide them in their deliberations and decisions. We know that there may be wide divergence of opinion on many subjects, but that reason will prevail as they realize that every Senator speaks for what he or she believes is right for the people of Maine. We thank You for these individuals who have committed themselves to the affairs of our beloved state. We ask this in thy name. Amen.

Pledge of Allegiance led by Senator Beth G. Edmonds of Cumberland County.

Doctor of the day, Donna J. Carr, D.O., of Portland.

Reading of the Journal of Thursday, April 12, 2001.

Off Record Remarks

The President appointed the Senator from Cumberland, Senator **EDMONDS**, to serve as President Pro Tem for the session on Wednesday, April 25, 2001.

The President appointed the Senator from Cumberland, Senator **BROMLEY**, to serve as President Pro Tem for the session on Thursday, April 26, 2001.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor (EMERGENCY)

H.P. 265 L.D. 343  
(C "A" H-32)

In Senate, March 27, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32) AS AMENDED BY HOUSE AMENDMENT "A" (H-115)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **SMALL** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

JOINT ORDER - relative to the Legislative Information Office preparing a Register of all the Bills and Resolves considered by both branches of the Legislature

H.P. 4  
(S "A" S-1)

In House, December 6, 2000, **READ** and **PASSED**.

In Senate, January 4, 2001, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-1)**, in **NON-CONCURRENCE**.

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

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

House Paper

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

H.P. 1307 L.D. 1770

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

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

Pursuant to Statutes  
Department of Marine Resources

The **Department of Marine Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1305 L.D. 1769

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

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

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

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**Joint Order**

The following Joint Order: H.P. 1308

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill regarding safety equipment on all-terrain vehicles.

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

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

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**COMMUNICATIONS**

The Following Communication: S.P. 601

**STATE OF MAINE  
120<sup>TH</sup> LEGISLATURE**

April 24, 2001

Hon. Anne M. Rand  
Senate Chair, Joint Standing Committee on  
Judiciary  
Hon. Charles C. LaVerdiere  
House Chair, Joint Standing Committee on  
Judiciary  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Rand and Representative LaVerdiere:

Please be advised that Governor Angus S. King, Jr. has nominated Evan D. Richert of South Portland for reappointment and Dawn Gallagher of Hallowell for appointment as members of the Maine Indian Tribal-State Commission.

Pursuant to Title 30, M.R.S.A., §6212, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

**READ** and **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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The Following Communication: S.P. 602

**STATE OF MAINE  
DEPARTMENT OF AUDIT**

**Management Letter**

Honorable Michael H. Michaud,  
President of the Senate  
Honorable Richard A. Bennett,  
President Pro Tempore of the Senate  
Honorable Michael V. Saxl,  
Speaker of the House of Representatives:

In planning and performing our audit of the general purpose financial statements of the State of Maine for the year ended June 30, 1999, we considered the State of Maine's internal control. We did so to determine our auditing procedures for the purpose of expressing an opinion on the financial statements. We did not do so to provide assurance on internal control.

However, during our audit we became aware of several matters that offer opportunities for strengthening internal control and efficiency of operations. The following findings summarize our comments and suggestions regarding those matters. We previously issued two reports, dated January 31, 2000 and June 9, 2000, that address reportable conditions and material weaknesses in internal control. These can be found in the Single Audit Report and are titled, Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, and Report on Compliance with Requirements Applicable to Each Major Program, Internal Control over Compliance and on the Schedule of Expenditures of Federal Awards in Accordance with OMB Circular A-133. This letter does not affect these reports, nor does it affect the Independent Auditor's Report, dated January 31, 2000, on the general purpose financial statements of the State of Maine.

We have included responses to our findings by the audited agencies. We would be pleased to discuss these findings in further detail at your convenience.

S/Gail M. Chase, CIA  
State Auditor

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

Sent down for concurrence.

The Following Communication: S.C. 215

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

April 11, 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 Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 310 An Act to Require Bonding of Building Contractors
- L.D. 947 An Act Concerning Fair Debit Card Practices
- L.D. 951 An Act Relating to Rent-to-own Purchases
- L.D. 1612 An Act to Regulate Colonics

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

Sincerely,

S/Sen. Kevin L. Shorey  
Senate Chair

S/Rep. John G. Richardson  
House Chair

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

The Following Communication: S.C. 216

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

April 11, 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. 860 Resolve, Requiring the Department of Audit to Review Procedures, Goals and Actual Expenditures of General Purpose Aid Disbursements through the School Funding Formula
- L.D. 1183 Resolve, to Establish a Political Education Program
- L.D. 1184 An Act to Guarantee Hot Lunches for Maine Students
- L.D. 1239 Resolve, to Direct the Department of Education to Synchronize Secondary School Calendars with the Vocational Schools
- L.D. 1553 An Act to Provide Funding for Education
- L.D. 1576 Resolve, Directing the Department of Education to Revise its Rules Relating to School Lunch Program
- L.D. 1606 An Act to Limit Funding for Special Education
- L.D. 1659 Resolve, Establishing a Task Force to Study Alternative Secondary Education and the Unique Needs of Disenfranchised Students
- S.P. 496 Joint Resolution Encouraging Public Schools to Teach a Firearms and Hunter Safety Course

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. 217

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON HEALTH AND HUMAN  
SERVICES**

April 12, 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. 1180 An Act to Improve Handicap Accessibility in Lodging in Maine

L.D. 1231 An Act to Provide an Advocate Program for Disabled Persons in Court-like Proceedings

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. 218

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON JUDICIARY**

April 12, 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":

L.D. 744 An Act to Allow Private Maintenance of Public Easements

L.D. 1016 An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways

L.D. 1609 An Act to Provide a Family Bill of Rights

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

Sincerely,

S/Sen. Anne M. Rand  
Senate Chair

S/Rep. Charles C. LaVerdiere  
House Chair

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

The Following Communication: S.C. 219

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

April 11, 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. 973 An Act to Restrict Daily Sea Urchin Taking

L.D. 1372 An Act to Establish a Buffer Zone for Aquaculture Leases for Mussels

L.D. 1392 An Act to Set the Mussel Size Limit

L.D. 1555 An Act to Require Fishing Boats Rather than Individuals to be Licensed for Saltwater Commercial Ventures

L.D. 1682 An Act to Restructure the Sea Urchin Lottery

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

Sincerely,

S/Sen. Kenneth F. Lemont  
Senate Chair

S/Rep. David G. Lemoine  
House Chair

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

The Following Communication: S.C. 220

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

April 11, 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. 434 Resolve, Regarding the Expansion of a Right-of-way Across the Elizabeth Levinson Center in Bangor
- L.D. 800 An Act to Amend the Laws Governing the Kennebec County Advisory Budget Committee
- L.D. 1336 Resolve, to Create Health Days in Maine
- L.D. 1448 An Act to Designate a Day of Reflection and Tolerance

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

Sincerely,

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

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

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The Following Communication: S.C. 221

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

April 12, 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. 957 Resolve, to Transfer State Property to the City of Bangor
- L.D. 1356 An Act to Exempt Municipalities from Having to Zone for Mobile Home Parks

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

Sincerely,

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

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

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The Following Communication: S.C. 222

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TRANSPORTATION**

April 11, 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. 591 An Act to Ensure the Safety of Railroad Bridges
- L.D. 938 An Act to Amend the Laws Governing Outdoor Signs
- L.D. 1053 An Act to Clarify the Release of Driver's License Information
- L.D. 1095 An Act to Amend the Law on Local Bridge Reconstruction

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.**

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The Following Communication: S.C. 223

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY**

April 11, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 869 An Act to Establish the Lineworker Safety Act
- L.D. 934 An Act to Allow Timely Public Comment on Matters Heard Before Sanitary Districts
- L.D. 1385 An Act to Amend the Laws Regarding When the Public Utilities Commission Must Give Notice of its Proceedings

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr. Senate Chair	S/Rep. William R. Savage House Chair
--	---

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

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**SENATE PAPERS**

Resolve, to Establish the Maine Cattle Health Assurance Program

S.P. 598 L.D. 1771

Sponsored by Senator KILKELLY of Lincoln.  
Cosponsored by Senators: KNEELAND of Aroostook, MARTIN of Aroostook, MILLS of Somerset, Representatives: DAIGLE of Arundel, GAGNE of Buckfield, GREEN of Monmouth, NASS of Acton, WESTON of Montville.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

---

**Pursuant to Joint Order  
Joint Standing Committee on Natural Resources**

Senator MARTIN for the **Joint Standing Committee on Natural Resources** pursuant to Joint Order S.P. 563 asked leave to report that the accompanying Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

S.P. 600 L.D. 1775

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

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

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

---

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

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**ORDERS**

**Joint Order**

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 599

**ORDERED**, the House concurring, that the Joint Standing Committee on Natural Resources report out, to the Senate, a bill regarding invasive species.

**READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending motion by same Senator to **PASS**.

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Explore the Feasibility of Establishing a Dental Residency Program

H.P. 552 L.D. 707

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-107)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)**.



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

**READ ONCE.**

Committee Amendment "A" (H-107) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)**, in concurrence.

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The Committee on **LABOR** on Bill "An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits"  
H.P. 413 L.D. 534

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-109)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109)**.

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

**READ ONCE.**

Committee Amendment "A" (H-109) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-109)**, in concurrence.

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Designate the Second Saturday in September as Youth Field Day"  
H.P. 61 L.D. 70

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-110)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**.

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

**READ ONCE.**

Committee Amendment "A" (H-110) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-110)**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Conform the Maine Tax Laws for 2000 with the United States Internal Revenue Code" (EMERGENCY)  
H.P. 784 L.D. 1028

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-106)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**.

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

**READ ONCE.**

Committee Amendment "A" (H-106) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Reinstitute the Auditing of State Agencies by the Department of Audit"  
H.P. 331 L.D. 421

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

Signed:

Senators:  
PENDLETON of Cumberland  
ROTUNDO of Androscoggin

Representatives:  
BAGLEY of Machias  
McDONOUGH of Portland  
HATCH of Skowhegan  
LESSARD of Topsham  
McLAUGHLIN of Cape Elizabeth  
NORBERT of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Signed:

Senator:  
YOUNGBLOOD of Penobscot

Representatives:  
MURPHY of Berwick  
KASPRZAK of Newport  
CHASE of Levant  
HASKELL of Milford

Comes from the House with the Reports **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Reports **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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**Senate**

**Ought to Pass**

Senator **GOLDTHWAIT** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Instruction for Legally Blind Children"  
S.P. 175 L.D. 603

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

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

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

Sent down for concurrence.

---

Senator **McALEVEY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Criminalize the Possession of Theft Tools"  
S.P. 62 L.D. 233

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

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

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

Sent down for concurrence.

---

Senator **EDMONDS** for the Committee on **LABOR** on Bill "An Act to Clarify and Make Technical Corrections to Retirement Laws"  
S.P. 456 L.D. 1509

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

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

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

Sent down for concurrence.

---

Senator **PENDLETON** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Change the Job Title of County Administrator to County Manager for York County"  
S.P. 204 L.D. 769

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

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

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

Sent down for concurrence.

---

**Ought to Pass As Amended**

Senator **EDMONDS** for the Committee on **LABOR** on Bill "An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit"

S.P. 66 L.D. 237

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-61)**.

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

**READ ONCE**.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-61)**.

Sent down for concurrence.

---

Senator **YOUNGBLOOD** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories

S.P. 65 L.D. 236

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-59)**.

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

**READ ONCE**.

Committee Amendment "A" (S-59) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-59)**.

Sent down for concurrence.

---

Senator YOUNGBLOOD for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House and the Reed Auditorium Properties, Located at the Stevens School Campus in Hallowell

S.P. 338 L.D. 1145

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-60)**.

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

**READ ONCE**.

Committee Amendment "A" (S-60) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-60)**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize State Agencies to Arrange for Direct Billing of Hotel Rooms for State Business"  
S.P. 315 L.D. 1083

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

Signed:

Senators:

PENDLETON of Cumberland  
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias  
McDONOUGH of Portland  
HATCH of Skowhegan  
McLAUGHLIN of Cape Elizabeth  
MURPHY of Berwick  
LESSARD of Topsham

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

KASPRZAK of Newport  
CHASE of Levant  
HASKELL of Milford  
CRESSEY of Baldwin

Reports **READ**.

On motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

**READ ONCE**.

**ASSIGNED FOR SECOND READING LATER TODAY**.

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Laws Governing the Service Territory of Kennebunk Light and Power District"

S.P. 240 L.D. 808

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

Signed:

Senators:

FERGUSON of Oxford  
TREAT of Kennebec  
CARPENTER of York

Representatives:

SAVAGE of Buxton  
RINES of Wiscasset  
CRABTREE of Hope  
BERRY of Belmont  
DUNCAN of Presque Isle  
HALL of Bristol  
BLISS of South Portland  
GOODWIN of Pembroke

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

Signed:

Representatives:

PERKINS of Penobscot  
McGLOCKLIN of Embden

Reports **READ**.

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

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**SECOND READERS**

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

**House**

Bill "An Act to Ban Permanent Replacement Workers in a Labor Dispute"

H.P. 74 L.D. 83

Bill "An Act to Bring the Crime of Refusing to Submit to Arrest or Detention into Conformity with the Maine Criminal Code"

H.P. 525 L.D. 680

Bill "An Act to Amend the Standard Valuation Law for Life Insurance and to Restrict Limitation of Liability for Death by Suicide in Group Life Insurance Policies"

H.P. 873 L.D. 1152

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

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**House As Amended**

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  
(C "A" H-96)

Bill "An Act to Provide a Matching Fund Grant to the Maine Maritime Academy"

H.P. 201 L.D. 231  
(C "A" H-104)

Bill "An Act to Exempt Certain Organizations from the Meals and Lodging Tax"

H.P. 460 L.D. 581  
(C "A" H-100)

Bill "An Act to Amend the Charter of the Corinna Water District" (EMERGENCY)

H.P. 700 L.D. 904  
(C "A" H-99)

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

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**Senate As Amended**

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

S.P. 124 L.D. 400  
(C "A" S-55)

Bill "An Act to Authorize the Department of Transportation to Use the Design-Build Method of Project Delivery"

S.P. 211 L.D. 776  
(C "A" S-54)

Bill "An Act to Establish the Maine Regulatory Fairness Board"

S.P. 279 L.D. 990  
(C "A" S-57)

Bill "An Act to Allow Principals of Limited Liability Corporations to Appear in Court in Forcible Entry and Detainer Cases"

S.P. 336 L.D. 1143  
(C "A" S-56)

Bill "An Act to Increase Business Opportunities at the Port of Eastport"

S.P. 538 L.D. 1669  
(C "A" S-58)

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

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator ROTUNDO for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Include a Legislator as a Voting Member of the Somerset County Budget Committee and to Eliminate the 3 Advisory Members"

S.P. 100 L.D. 326

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-65)**.

Report **READ and ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-65) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65)**.

Sent down for concurrence.

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Senator KNEELAND for the Committee on **TAXATION** on Bill "An Act to Direct that a Percentage of Revenue That the State Receives Be Allocated to Community Forestry"  
S.P. 362 L.D. 1200

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-62)**.

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

**READ ONCE.**

Committee Amendment "A" (S-62) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-62)**.

Sent down for concurrence.

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Senator FERGUSON for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Remove Barriers to Providing Natural Gas Services"  
S.P. 190 L.D. 662

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-64)**.

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

**READ ONCE.**

Committee Amendment "A" (S-64) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64)**.

Sent down for concurrence.

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

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**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 (4/11/01) Assigned matter:

An Act to Reduce Noise Pollution

S.P. 153 L.D. 497  
(C "A" S-33)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-33)**.)

(In House, April 10, 2001, **PASSED TO BE ENACTED**.)

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

Senator **MARTIN:** Mr. President, I have a series of questions for the members of the committee who have dealt with this interesting piece of legislation. I would like to know how the police are going to be enforcing this and what method they will be using, what will it cost for the equipment that will be necessary, and why the fines are mandatory?

**THE PRESIDENT:** The Senator from Aroostook, Senator Martin poses several questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Lemont.

Senator **LEMONT:** Thank you, Mr. President and ladies and gentlemen of the Senate. I would like to speak today on this simple bill that addresses a serious problem. What is that serious problem? We have cars that have large systems that are making an incredible amount of noise in our communities. When I first sponsored the bill, I heard from many towns throughout the State of Maine. That's when I realized this is not an urban problem, but a statewide problem. I might caution the good Senator from Aroostook, Senator Martin, that this will be coming to a community near him in the future. I would like to take this opportunity to complement the Transportation Committee. They took a look at this legislation. They passed it out near unanimous. I gave them the laws from 3 different states; Kentucky, Florida and Louisiana. They took a look at the Louisiana law and it's a mirror image of what we now have before us in the State of Maine. I don't care to go on about the virtues of this legislation.

I would like to address the good Senator from Aroostook, Senator Martin's, concerns. At this time I'd like to read to you the amendment to L.D. 497. Under prohibition "a person may not operate a sound system in a vehicle on a public way at a volume that is audible at a distance of greater than 25 feet and exceeds

85 decibels or that is greater than is reasonable with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It is a prime officiate violation of this section if the vehicle is located near buildings and the buildings or windows in the buildings are shaken or rattled by the sound of the system." As you can see, it's an either or. They certainly don't have to use decibels to have a successful violation of the sound ordinances. There are many other routes that they can go. Like I said before the Transportation Committee, this certainly isn't an effort to punish anybody. It is to make people aware of their surroundings and be considerate of their community.

As you can see, the fines are extremely low. The first offense is \$50, the second \$100. That is, from my own personal experience, cheaper than speeding in the City of Augusta. Hopefully we can go on to enact this piece of legislation. Thank you, Mr. President.

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

**Senator MARTIN:** First, in reference to the good Senator from York, Senator Lemont, I know we have less money in Aroostook County so we can't afford the expensive equipment that goes into these cars to create the noise that apparently is being created in York County. But I can assure him we do have some of them, so that is not an issue.

I do think that you need to look at a couple of things a little further than we're talking about here. You're talking basically about attempting to create a crime when obviously, at the present time, police already have the ability to deal with this under the nuisance law if they want to. As a matter of fact, a number of police chiefs have talked to me and probably some of the same police chiefs have talked to the good representative of the Police Association, the other John Martin, who told me that there is already a method in which they can deal with the issue if they want to. This provides, I think, greater confusion in the long run.

I guess the other thing to point out, which the Senator did not mention, is that the fines are, in fact, mandatory. What the committee did was to change the word "may" to "must" in the amendment that got offered and got placed on by the Transportation Committee.

This bill is not the end of the world but I think it is, in part, a beginning of Government interference in the lives of all of us. I just think it's going just a little bit too far. But I do enjoy the liberalness that is coming forth from the Senator from York, Senator Lemont. Hopefully it will carry through on other legislation that deals with involving ourselves in the lives of public citizens of this state. I would make one other comment. This probably is the one that scares me the most because sound systems today, farming will be next. Just think about that. Think about the noise that comes from farms and where people live next to farms. If this then goes in, what's the next step. For once I will actually be saying this is the camel going underneath the tent. This is not going to be the end. I'm not worried about the bill becoming law. It's going to be a real problem. But I think in the long run it's a mistake. I think it is certainly not a bill that I will die on the sword or whatever for, but I just had to bring it to your attention because I think it's something that we will wish we had not done once we do it.

Senator **MARTIN** of Aroostook requested a Division.

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

**Senator MILLS:** Mr. President and men and women of the Senate. Just a couple of footnotes to the very interesting dialogue I've been witness to this morning. First of all, the proposed legislation, as I read it, isn't a criminal statute. It does create what's called a civil violation and the penalty is very limited. It is limited to a very modest monetary sanction, which is probably appropriate for something of this sort. Secondly, we already have something analogous on the books. It's a statute that's been around for many years called "unnecessary noise" but it only applies to breaking or acceleration and not to sound systems. I must say that the older statute is remarkably brief and somewhat limited. It just says "breaking or acceleration may not be unnecessarily made so as to cause a harsh and objectionable noise." I must commend the drafters of the bill that lies before you because at least it has standards in it. If somebody wanted to have a DB meter and actually measure the sound, I suppose they could do it. On the other hand, you can also prove it in an alternative way by showing that the sound system actually rattled structures nearby. It's interesting to say that we've come some distance from the drafting exercises of years ago where the standards were left almost completely absent from the statute. This is a better draft on a similar subject. I wanted to commend the committee on its good work. I will be voting in favor of the bill. Thank you.

At the request of Senator **MARTIN** of Aroostook a Division was had. 20 Senators having voted in the affirmative and 7 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

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

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Off Record Remarks

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On motion by President Pro Tem **BENNETT** of Oxford, **RECESSED** until 5:00 in the evening.

After Recess

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

**Pursuant to Statutes  
Department of Inland Fisheries and Wildlife**

The **Department of Inland Fisheries and Wildlife**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

H.P. 1312 L.D. 1776

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** 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 **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statutes  
Department of Transportation**

The **Department of Transportation**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation (EMERGENCY)

H.P. 1311 L.D. 1774

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

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

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

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**Pursuant to Statutes  
Department of Public Safety**

The **Department of Public Safety**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety (EMERGENCY)

H.P. 1313 L.D. 1777

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

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Expand Educational Opportunities" H.P. 414 L.D. 535

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Promote Safe Schools"

H.P. 1274 L.D. 1734

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

**REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

H.P. 1233 L.D. 1680

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

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

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

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed"  
H.P. 530 L.D. 685

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

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

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

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

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The Committee on **TRANSPORTATION** on Resolve, to Authorize the Development of a New Railroad Bridge on the Union Branch Railroad Line over Back Cove in Portland

H.P. 1053 L.D. 1416

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

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

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**ORDERS OF THE DAY**

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

**Divided Report**

SENATE REPORTS - from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Laws Governing the Service Territory of Kennebunk Light and Power District"  
S.P. 240 L.D. 808

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass** (2 members)

Tabled - April 24, 2001, by Senator **FERGUSON** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 24, 2001, Reports **READ**.)

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

Sent down for concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow Local Boards of Education the Option to Grant a High School Diploma to Former Students Who Are Honorably Discharged World War II Veterans" (EMERGENCY)  
H.P. 21 L.D. 21

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-124)**.



Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**.

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

**READ ONCE.**

Committee Amendment "A" (H-124) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-124)**, in concurrence.

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 22 L.D. 22

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-125)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)**.

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

**READ ONCE.**

Committee Amendment "A" (H-125) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-125)**, in concurrence.

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect the Academic Integrity of Maine's Institutions of Higher Learning"

H.P. 136 L.D. 147

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-129)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129)**.

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

**READ ONCE.**

Committee Amendment "A" (H-129) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129)**, in concurrence.

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Appropriate Funds to the Maine Technical College System for the Operation of the Bath Higher Education Center"  
H.P. 411 L.D. 532

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-128)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-128)**.

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

**READ ONCE.**

Committee Amendment "A" (H-128) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-128)**, in concurrence.

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Designate Regional Rare Book, Manuscript and Vital Records Depositories

H.P. 776 L.D. 1020

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-126)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126)**.

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

**READ ONCE.**

Committee Amendment "A" (H-126) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126)**, in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Establish the Blue Ribbon Commission to Review Special Education Laws

H.P. 1118 L.D. 1487

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-127)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127)**.

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

**READ ONCE.**

Committee Amendment "A" (H-127) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-127)**, in concurrence.

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The Committee on **JUDICIARY** on Bill "An Act to Amend the Civil Court Procedure as it Pertains to Execution Liens"

H.P. 774 L.D. 1018

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

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

**READ ONCE.**

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**, in concurrence.

---

The Committee on **LABOR** on Bill "An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits"

H.P. 94 L.D. 98

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-133)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**.

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

**READ ONCE.**

Committee Amendment "A" (H-133) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**, in concurrence.

---

The Committee on **LABOR** on 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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-132)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)**.

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

**READ ONCE.**

Committee Amendment "A" (H-132) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)**, in concurrence.

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The Committee on **LABOR** on Bill "An Act to Permit Grievance Mediation by the Panel of Mediators"

H.P. 392 L.D. 513

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-120)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120)**.

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

**READ ONCE.**

Committee Amendment "A" (H-120) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill  
"An Act to Require That Ballots Be Single-sided"  
H.P. 195 L.D. 206

Reported that the same **Ought to Pass As Amended by  
Committee Amendment "A" (H-117).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-117).**

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

**READ ONCE.**

Committee Amendment "A" (H-117) **READ** and **ADOPTED**, in  
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-117)**, in concurrence.

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill  
"An Act to Change the Fiscal Year of Sagadahoc County"  
H.P. 206 L.D. 241

Reported that the same **Ought to Pass As Amended by  
Committee Amendment "A" (H-116).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-116).**

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

**READ ONCE.**

Committee Amendment "A" (H-116) **READ** and **ADOPTED**, in  
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-116)**, in concurrence.

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The Committee on **STATE AND LOCAL GOVERNMENT** on  
Resolve, Authorizing the Transfer of Land from the State to  
School Administrative District No. 16  
H.P. 656 L.D. 856

Reported that the same **Ought to Pass As Amended by  
Committee Amendment "A" (H-131).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Resolve **PASSED TO BE ENGROSSED AS AMENDED  
BY COMMITTEE AMENDMENT "A" (H-131).**

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

**READ ONCE.**

Committee Amendment "A" (H-131) **READ** and **ADOPTED**, in  
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-131)**, in concurrence.

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The Committee on **TAXATION** on Bill "An Act to Expand  
Eligibility for the Veterans' Property Tax Exemption"  
H.P. 26 L.D. 26

Reported that the same **Ought to Pass As Amended by  
Committee Amendment "A" (H-119).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-119).**

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

**READ ONCE.**

Committee Amendment "A" (H-119) **READ** and **ADOPTED**, in  
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-119)**, in concurrence.

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The Committee on **TAXATION** on Bill "An Act to Exempt Certain  
Temporary Placement and Adoption Services Organizations from  
the Sales Tax"  
H.P. 591 L.D. 746

Reported that the same **Ought to Pass As Amended by  
Committee Amendment "A" (H-137).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-137).**

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

**READ ONCE.**

Committee Amendment "A" (H-137) **READ** and **ADOPTED**, in  
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and  
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-137)**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Establish a Sales Tax Exemption for Certain Incorporated, Nonprofit Memorial Foundations" (EMERGENCY)

H.P. 645 L.D. 845

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-138)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138)**.

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

**READ ONCE.**

Committee Amendment "A" (H-138) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138)**, in concurrence.

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The Committee on **TAXATION** on Bill "An Act to Exempt Medical Devices and Assistive Devices Used by Individuals with Disabilities from the Sales Tax"

H.P. 677 L.D. 877

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-141)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)**.

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

**READ ONCE.**

Committee Amendment "A" (H-141) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)**, in concurrence.

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The Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1171 L.D. 1571

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-140)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**.

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

**READ ONCE.**

Committee Amendment "A" (H-140) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**, in concurrence.

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The Committee on **TAXATION** on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2001-2002" (EMERGENCY)

H.P. 1206 L.D. 1628

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-139)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139)**.

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

**READ ONCE.**

Committee Amendment "A" (H-139) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139)**, in concurrence.

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The Committee on **TRANSPORTATION** on Bill "An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike"

H.P. 478 L.D. 618

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-122)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-122)**.

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

**READ ONCE.**

Committee Amendment "A" (H-122) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-122)**, in concurrence.

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The Committee on **TRANSPORTATION** on Bill "An Act Concerning Commercial Driver License Certification" H.P. 553 L.D. 708

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-134)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134)**.

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

**READ ONCE.**

Committee Amendment "A" (H-134) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-134)**, in concurrence.

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Provide for the Security of Certain Utility Information" (EMERGENCY) H.P. 716 L.D. 931

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-130)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130)**.

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

**READ ONCE.**

Committee Amendment "A" (H-130) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-130)**, in concurrence.

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Ensure Proper Funding of the Public Utilities Commission" (EMERGENCY) H.P. 973 L.D. 1297

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-121)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121)**.

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

**READ ONCE.**

Committee Amendment "A" (H-121) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121)**, in concurrence.

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

#### REPORTS OF COMMITTEES

##### House

##### Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Providing for the Licensure of Ophthalmic Dispensing" H.P. 1050 L.D. 1407

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

Signed:

Senators:  
SHOREY of Washington  
YOUNGBLOOD of Penobscot  
BROMLEY of Cumberland

Representatives:  
THOMAS of Orono  
MORRISON of Baileyville  
HATCH of Skowhegan  
DUPREY of Hampden  
RICHARDSON of Brunswick  
BRYANT of Dixfield  
CLOUGH of Scarborough  
DORR of Camden

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

Signed:

Representative:  
MURPHY of Kennebunk

Comes from the House with the Majority **OUGHT TO NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

H.P. 248 L.D. 284

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

Signed:

Senators:

WOODCOCK of Franklin  
BROMLEY of Cumberland  
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham  
CHIZMAR of Lisbon  
HEIDRICH of Oxford  
PATRICK of Rumford  
DUNCAN of Presque Isle

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

Signed:

Representatives:

COTE of Lewiston  
ESTES of Kittery  
TUTTLE of Sanford  
O'BRIEN of Lewiston  
MAYO of Bath

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

Reports **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator LEMONT for the Committee on **MARINE RESOURCES** on Bill "An Act to Create the Right to Fish"

S.P. 158 L.D. 502

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-68)**.

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

**READ ONCE**.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68)**.

Sent down for concurrence.

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Senator LEMONT for the Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Lobster Management Fund"

S.P. 323 L.D. 1091

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-67)**.

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

**READ ONCE**.

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67)**.

Sent down for concurrence.

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Senator KNEELAND for the Committee on **TAXATION** on Bill "An Act to Strengthen Maine's Economic Development Incentive Laws"

S.P. 95 L.D. 321

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-69)**.

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

**READ ONCE**.

Committee Amendment "A" (S-69) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-69)**.

Sent down for concurrence.

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

**SECOND READERS**

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

**Senate**

Bill "An Act to Authorize State Agencies to Arrange for Direct Billing of Hotel Rooms for State Business" S.P. 315 L.D. 1083

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

Sent down for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools

H.P. 232 L.D. 269  
(C "A" H-94)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act to Amend the Definition of 'Health Insurance' H.P. 323 L.D. 413  
(C "A" H-81)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act to Correct Errors in the Laws Regarding Court Unification H.P. 732 L.D. 952  
(C "A" H-95)

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

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**Emergency Measure**

An Act to Modify the Maine Student Incentive Scholarship Program S.P. 300 L.D. 1011  
(C "A" S-39)

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

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**Acts**

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

H.P. 146 L.D. 157  
(C "A" H-93)

An Act to Amend Disclosure Reporting Requirements H.P. 310 L.D. 388  
(C "A" H-90)

An Act to Amend the Maine Consumer Credit Code H.P. 322 L.D. 412  
(C "A" H-80)

An Act to Increase the Penalty for Misuse of Placards or Registration Plates for Handicapped Motor Vehicle Operators H.P. 353 L.D. 443  
(C "A" H-84)

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 24, 2001

An Act to Amend the Small Power Production and Cogeneration Laws

S.P. 151 L.D. 495  
(C "A" S-38)

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)

An Act to Promote Affordable Housing for the Elderly

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

An Act to Amend the Charter of the Gray Water District

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

An Act to Discourage Frivolous Appeals

S.P. 224 L.D. 789

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

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

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

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

H.P. 93 L.D. 97

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

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

H.P. 174 L.D. 185

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

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

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

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

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)

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Senate at Ease.

Senate called to order by the President.

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**TABLED** pending **RULING OF THE CHAIR**.

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Off Record Remarks

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (3/21/01) Assigned matter:

**HOUSE REPORTS** - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Create a Mandatory Automobile Insurance Premium Discount for Safe, Mature Drivers"  
H.P. 34 L.D. 43

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-19)** (5 members)

Tabled - March 21, 2001, by Senator **LAFOUNTAIN** of York

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

(In House, March 20, 2001, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19)**.)

(In Senate, March 21, 2001, Reports **READ**.)

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

Senator **LAFOUNTAIN:** Thank you Mr. President, men and women of the Senate. I rise today to encourage the members of this chamber to support the 8 members of the Joint Standing Committee on Banking and Insurance who supported the Majority Ought Not to Pass Report.

First of all, I'd like to preface my remarks by indicating to you that I am in support of continued education for Maine drivers. Over the last 20 years, the Maine Legislature has enacted numerous laws that effect the ways we commute to work, drive to



do our errands, and drive for pleasure. In my short time here, I have seen bills that become law which include the use of headlights while you have your windshield wipers on, car seats for children based upon age group and weight classifications, and the mandatory seat belt law. What I object to with L.D. 43 is the linkage of mandating auto insurance premium discounts to those who take safe driving courses. Presently there are discounts already available from insurance carriers to the members of our society, in this case the Maine drivers. Virtually all of Maine's 300 plus licensed auto insurance companies give some sort of discounts to senior citizens. I was surprised by something that came across my desk a short time ago from the AARP which, in question 3, they posed to us "do older drivers already get a discount on auto insurance?" Their answer was no, but under question 2 they said "competition among auto insurers for this preferred group has insurers offering older drivers low rates to get their business." Well, where I come from, that "no" actually means "yes" and it's also called market forces. You have insurance carriers that are offering discounts to a certain segment of the population based upon age. Through the committee process, we received hand-outs from a number of insurance carriers, one specifically was from Maine Mutual Fire Insurance Company, that indicated to us that principle operators who are age 50 on up currently receive a 20% discount. In other words, market forces has dictated, in this situation, that a 20% discount will go to a certain segment of the population. Maine already has more favorable insurance rates than many other states. In fact, Maine currently is the 3<sup>rd</sup> lowest in the nation when it comes to auto insurance rates. Maine also already has a provision which benefits many of our drivers. It's a provision that does not allow an insurance carrier to cancel, non-renew, or change the rates of an individual simply because they reach a certain age. This is a benefit that many older drivers in Maine receive that drivers throughout the rest of the nation do not receive through their statutes.

It is my contention and the contention of the 7 other members of the committee that this legislature should not be starting a trend where we underwrite or rate by legislation. It should be something that should be done by market forces. L.D. 43 is potentially deceitful to many consumers. I'm sure all of you got the volumes of calls over the last couple of weeks from many people saying to support L.D. 43 or to support the AARP. Well, if you had a conversation with any of those individuals and asked them their understanding of the bill, they did not have the same understanding as those of us on the committee. What the Minority report does is provide an appropriate discount to those who take a course. I ask you, what is an appropriate discount? Does it mean a \$5 off coupon on your auto insurance premium? Does it mean a 50¢ discount on your auto insurance premium or is it something substantial like a \$100 discount? It's deceitful to tell Maine people that they are going to receive a mandatory discount from their auto insurance carriers by taking a course that may end up costing them more money to take the course than the amount of the appropriate discount that they receive from their insurance carrier.

Finally, I ask you to consider what any sort of discount will do to those of us who are not eligible to benefit under L.D. 43. Remember, this bill is for older drivers who take the safe driving course. Potentially, there is a chance that their premium will be reduced. But conversely, what happens on the other end to people like me who are not eligible for the course? At least in the first year, I foresee my premium going up to balance off the

discount given on the other end and certainly that is a potential that can happen in future years.

So for those reasons, I ask you to carefully consider what you're going to see in the Minority report and ask you if we are really giving Maine consumers anything that's worth it. Thank you.

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

**Senator MILLS:** Mr. President, men and women of the Senate. The purpose of this bill is not to cause any great disruption to insurance rates. I can assure that it would not. The purpose of this bill is to give senior citizens, those above age 55, an incentive, even if it's a small incentive, to take a defensive driving course. I think this is an extraordinarily valuable social tool. There are certain things that happen to you as you get over 55. Your eyesight begins to tunnel in. You're not quite able to focus on distant objects as quickly as you used to or as well. Your response time diminishes. Things happen to you slowly. As you get into your 60's or 70's, so I'm told, these tendencies are accentuated. I think it's very important that people in this age group have an incentive, some sort of publicity associated with an incentive, to go out and learn the special skills that are associated with driving as a senior citizen.

The bill doesn't require any specific percentage of discount. It says merely "appropriate". So a carrier probably could comply with the letter of this statute by offering a \$10 or \$15 discount. But it wouldn't take much, frankly, to create an incentive. The course, I am told, only costs about \$10. So even if all they gave you was the price of the course, at least having this incentive in place, no matter how small, would have the ameliorative impact of publicizing the availability of this defensive driving course and giving a small incentive for people to go take it and to use it.

I don't think the drafters of this bill envisioned that it would have any disruptive effect on rates. Yes, it may well be that senior citizens today are charged a lesser premium than some of the younger folk. That's not mandated. But that's across the board. This discount would be separate from that. It would have nothing to do with how old you are. It would be whether you had the course or not. It's an incentive that is targeted to inducing people to take a course to make themselves more aware of what it means to be a driver as you get into your 60's and 70's. I think it's an important social purpose. Many other states have passed this law. I think it would, overall, serve to reduce insurance rates in this state even lower than they are now. For that reason, I do urge that you vote against the pending motion so that we may go on to accept the wisdom of the 5 members of the committee who voted to favor this bill. Thank you.

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

**Senator DOUGLASS:** Men and women of the Senate, I rise to urge you to vote against the pending motion for the following reasons. I believe that the Minority report, which would change our public policy, is the best choice for Maine.

I would like to bring you back to the years in which our parents learned to drive. They learned to drive often either on their own or with their parents at the wheel teaching them how. In subsequent years, I'm not sure just exactly when, we realized that young people need to know a basic core of information as they are getting behind the wheel. So we enacted laws that

required driver education and gave a benefit for that through the state so that you could have your license at a younger age if you were to complete one of those courses. This is a similar public policy.

I want to bring you back to 1946, the year in which the people who might now come under this law were born. It's a little bit before my time, but as I recall those years, 35 miles per hour was a pretty high rate of speed, or so we thought at that time, for in-town driving in particular. The cars had greater stopping distances and you managed your driving in such a way that you accommodated that. Life was quite a lot different. We didn't have as many stop signs because we didn't have as many drivers on the road. We need to be aware that times have changed and that driving has changed. It's time for us to approve the measure that is proposed here that would encourage older drivers to take a driving course. Many of the people effected by this encouragement probably did not take a driver education course. This might be their first. I think we owe it to Maine to enact a public policy. Now it is true that this is through the insurance industry. However, as I said before, we do often effect industries with public policy measure and this is not first time and it will not be the last. I want to point out to you that the appropriate discount allows some room for flexibility with the insurers. The discount is only for 3 years. The Minority report does require successful completion of the course and that may not be possible for some folks. The course must be approved by the Department of Public Safety. I think all of these serve to temper the effect of this measure on the insurance industry and to make it a sound public policy. I urge you to vote against the pending motion.

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Off Record Remarks

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Senator **GOLDTHWAIT** of Hancock requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. I'd like to request permission to pose a question if I may.

**THE PRESIDENT:** The Senator may pose his question.

Senator **NUTTING:** Most of you were lobbied very heavily on both sides of this issue. I've got a couple of hand-outs here that I think that most of you probably do too. One from the good Senator from York, Senator LaFountain, and another from the good Senator from Somerset, Senator Mills. At the bottom of the AARP hand-out it states "do bad older drivers, those who have accidents or get cited for moving violations, get the discount" and it says "no". On the next to the bottom bullet on the other hand-out it says "under L.D. 43 an individual receives a mandatory discount at 55 even if at 54 they are involved in multiple at-fault accidents". I'm having trouble reconciling these two. My

question that I'd like to pose is which hand-out is correct and which hand-out is incorrect? Thanks.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Nutting poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you, Mr. President. My understanding is that if you are 54 and involved in a multiple at-fault accident and you take the course, you could potentially be eligible for the discount if you successfully complete the course.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President and men and women of the Senate. I too, like the good Senator from Androscoggin, Senator Nutting, have been going back and forth depending on what I read and who I talk to, which is fairly unusual for me. I guess I'm still trying to make up my mind on this issue.

I just wondered if I might pose 2 questions. The first is that in the literature it talks about the 2 insurers that offer the discount for driver safety courses. I understand that Acadia is one of those. Could someone please tell me what the name of the other is so that when I get these calls I can let my constituents know who does offer the discounts. My other question is that one of my constituents did talk about, when I mentioned that there were already companies that she could switch to, that she was under the impression that she would not be able to switch insurance because of the age of her husband and herself. I don't know whether it was her driving priors or not. There was concern about portability and whether or not she actually could shop around for insurance if she was at age 75. My questions are, who are the companies that do offer the discount right now for the safe driving courses, and more importantly, how difficult or how easy is it to switch back and forth between auto insurance companies when you are of an age over 65? Thank you, Mr. President.

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Small poses a couple of questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you. In answer to the question posed, my understanding is that it's Acadia and Concord Group that are the two insurers in Maine that currently offer that discount. In answer to the second question, my understanding is that the insurance coverage is portable. The specific provision that one would look to is 24A, MRSA Section 2916 which covers that very area.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate. I rise in answer to the question posed through the President about being responsible for an accident. The Committee Amendment which is in the Minority report, which I hope we will go on to pass, does include the condition that the insurance company may require, as a condition of providing and maintaining the discount, that for a 3 year period after the course is completed, the insured not be involved in an accident for which

the insured is at fault, not have committed a moving violation, not be the subject of a drivers license suspension, and also that the insured is not eligible when the course is completed by court order. The example given of someone who is 54 and responsible for a multi-car collision, this person would not be allowed under this provision if that person was ordered to take the course by a court. I would suggest that an amendment stating that any earlier moving violations be included would certainly be appropriate. As it is, the proposal does include the condition that the individual who is requesting the discount, or a member of that individual's family, not have been the subject of an accident for which the insured was at fault. I think that that would actually include the hypothetical that was given of the 54 year old.

I also received information that was provided by AARP and it was given out through the Banking and Insurance Committee. They took the information off the Maine State Department of Insurance website. It says that State Farm gives this discount, the United States Automobile Association gives the discount, and Berkshire Hathaway gives the discount.

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

Senator **MILLS:** Thank you, Mr. President. Just in way of further response to the questions that have been zooming around the floor, the bill is very carefully drafted to reflect that if you have a severe driving record that you can't get any discount, let alone an appropriate discount. But even if you could get a discount, an appropriate discount would be one based on this course and other factors taken into account on your own driving record. In other words, if you had points on your license which were violations or accidents which elevated through other rating mechanisms your premium, the fact that you'd taken the course might discount it a little bit from that higher level but certainly wouldn't entitle you to eradicate the penalty that you justifiably incurred by having such a poor driving record. I think this is a red herring and not an issue of major concern for those who would like to vote for the bill. Thank you very much.

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

Senator **ABROMSON:** Thank you very much, Mr. President and ladies and gentlemen of the Senate. I rise to support my chairman, the Senator from York, Senator LaFountain, in urging you to vote for the Majority report. This will be the 3<sup>rd</sup> time that I'm voting against this bill, L.D. 43, in one incarnation or another since my first election. Frankly, it's not necessary. When the AARP says "what is the purpose of this bill?" It says "the purpose of L.D. 43 is to get greater numbers of older drivers to refresh their driving skills by completing state approved older driver safety courses." Well, as the Senator from York, Senator LaFountain, said we can do that very simply by mandating that people over 50 or 55 or 65, just pick an age, have to take a mandatory course. The Senator from Somerset, Senator Mills, pointed out that eye sight gets worse. We don't have a cure for the eye sight problem but we do have a way of screening that by requiring that people take an eye test. This really is mixing apples and oranges. There is no need for this law to go into effect when it's just simply a matter of mandating that people take the safe driving course. It is a good course, by the way. I have no objection to it. In the last go around with this I asked for a copy of the course and received the written materials. It is a

good course. I'm sure it would help many older drivers. I think, however, that it's not necessary at this time. I was also a little upset to read that the AARP said that only one of Maine's significant auto insurers offers an older driver's safety course discount. Come to find out it's actually two and to find out that the people who are writing the insurance are already giving the discount for a good part of what's available in the state of Maine. Someone asked the question of who else writes it and it was mentioned that the United States Automobile Association. There is an asterisk that says it's only open to the military. Berkshire Hathaway is mentioned but that's a preferred group only. Most of the others give a 20% discount even if you don't take the course. Why force an industry to give up on its competitiveness and require that they give a discount for something that's so readily available and readily available so inexpensively? Thank you, Mr. President.

The Chair ordered a Division. 11 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-19) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

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The Chair laid before the Senate the following Tabled and Later (3/28/01) Assigned matter:

**HOUSE REPORTS** - from the Committee on **BANKING AND INSURANCE** on Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

H.P. 40 L.D. 49

Majority - **Ought to Pass as Amended Committee Amendment "A" (H-18)** (8 members)

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

Tabled - March 29, 2001, by Senator **LAFOUNTAIN** of York

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

(In House, March 27, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18).**)

(In Senate, March 29, 2001, Reports **READ**.)

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

Senator **LAFOUNTAIN:** Thank you, Mr. President and men and women of the Senate. I rise to encourage you to support the Minority Ought Not to Pass report. In a nutshell, there are basically three policies dealing with attorney's fees. The first is the English Rule which says loser pays. If you're the loser and you're the defendant, you pay the plaintiff's attorney's fees and vice versa, if you're the plaintiff and you lose, you pay the defendant's. The American Rule is whether you win or you lose, you pay your own. The third version is sort of a modified American way which says win or lose, you pay your own, except in certain circumstances where a judge, using the judge's discretion, can order you to pay the winner's attorney's fees if you are the loser. What this bill deals with is that third version. Under current law, the court has the authority to award attorney's fees in declaratory judgment actions regarding an insurer's duty to defend an insured when there is a clear duty to defend under the terms of the insurance contract. In other words, what that means is if you believe your insurance carrier should be defending you and it is not, you go to court seeking a declaratory judgment, the court has the authority, if you win and the court feels there was a clear duty to defend, to order the insurance company to pay your attorney's fees.

What the bill does, and what I ask you to vote against, is change that policy and make it the English Rule when it comes to the insured winning. In other words, in this situation if the insured wins in a declaratory judgment, whether it was a clear duty to defend or not, the court will impose attorney's fees on the insurance carrier. Our thought, the thought of the Minority, is that current practice currently works, that this should be discretionary on the practice of the court. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate. If I may just add a few words to put this issue into perspective. It's very common nowadays for disputes to develop between a person and his insurance company over this nature and scope of coverage that that person may have for an event. Sometimes suits are filed against people for things like sexual discrimination in the workplace, liable and slander, accidents happen when people borrow your motor vehicle without necessarily having your permission. There are lots of instances where there can be sometimes very legitimate confusion about whether a liability insurance policy ought to come into play to defend an individual and to indemnify that individual against loss that he may have caused due to neglect or other tort. Sometimes it's the insurance company, and quite often it is the insurance company, that will bring a suit against its own insured to get a ruling from the court as to whether there should be any obligation on the part of the insurance company to defend or indemnify its own insured. Often times the individual, who is the insured who is sued in this fashion, lacks the resources with

which to engage in that litigation to make a determination. The purpose of the bill is that when the insurance company sues, which is more often the case than the other way around, and the court later rules that there was coverage and that the insurance carrier has the obligation of stepping in to protect the interest of the insured person, that the insured would get his attorney's fees back because his position was vindicated, it was a legitimate position, and he was covered by the policy. This is not an uncommon thing in our law to have these burdens of paying council fees shifted from time to time.

The councilor from Biddeford is correct, it is the English Rule, but we have adopted the English Rule in many instances in our law. The provision here is a fairly narrow, fairly carefully drafted provision to allow a person who is essentially innocent of fault to recover his own council fees for vindicating his position in regards to insurance coverage. A little bit complex but it does happen frequently.

This is a fairly common phenomenon and I suggest that the bill that lies before you would perhaps be helpful in rectifying injustices that sometimes result through precipitous denial of coverage by an insurance carrier. For that reason, I intend to vote against the pending motion so that we might support the Majority report and the bill should pass. Thank you.

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

Senator **DOUGLASS:** Mr. President and men and women of the Senate. This bill would effect a very limited number of people but it would effect some who are in a situation that is very uncomfortable and that is when they have purchased insurance and find that they are being told by their insurer that they are not covered when in fact there may be a very good argument that they are.

I sat on the Banking and Insurance Committee in the last legislative session when this matter came before the committee and worked very hard to make sure that it applied only to individuals and not corporations or other entities and that it could not be contracted away or this right could not be segregated to another so it should apply only to individuals. With all of that in mind, I think that this strikes a balance. It creates the situation where the insurer, which does have a lot more financial ability to handle these matters, has to make a decision about whether they think the call is one which is really close or is simply an argument they wish to make because they will be liable at the end of the suit for those legal costs if they are trying to argue an awkward reading of the policy or something of that nature. So I think this actually is a consumer protection measure. I think it's very limited in its burden on the insurance industry. It is worth your vote against the pending motion so we can go on to adopt the Majority report.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President and men and women of the Senate. If you read the bill you will see that it treats actual persons different from corporations, etc. I think that is a very poor assumption that corporations, trusts, partnerships, incorporated or un-incorporated associations are in any better of a situation to pay their legal fees than an actual person. I can tell you that in my district there are a number of individuals out there, single individuals, who have incorporated themselves and

functions as a plumber or as an electrician or in some other trade or practice, who is in no better position. I think this bill denies access to those individuals. It assumes that they are all IBM and Xerox and so forth. That they are corporations that can pay their own legal fees. That just is not the case here in the State of Maine.

The Chair ordered a Division. 9 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-18)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-18) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 224

**120TH LEGISLATURE  
JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

April 13, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Matthew P. Libby of Ashland, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Carpenter of York, Kilkelly of Lincoln, Woodcock of Franklin
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Representatives	8	Bryant of Dixfield, Clark of Millinocket, Dunlap of Old Town, Honey of Boothbay, Perkins of Penobscot, Tracy of Rome, Trahan of Waldoboro, Usher of Westbrook
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NAYS	0	
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ABSENT	2	Rep. Chick of Lebanon, Rep. McGlocklin of Embden
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Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Matthew P. Libby of Ashland, for reappointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/David L. Carpenter  
Senate Chair

S/Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Chair noted the absence of the Senator from Penobscot, Senator **CATHCART** and further excused the same Senator from today's Roll Call votes.

**ROLL CALL (#26)**

YEAS:	Senators:	None
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NAYS:	Senators:	ABROMSON, BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, NUTTING, O'GARA, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD
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ABSENT: Senators: MITCHELL, PENDLETON, RAND, YOUNGBLOOD

EXCUSED: Senator: CATHCART

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Matthew P. Libby** of Ashland, for reappointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 225

**120TH LEGISLATURE  
JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

April 13, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Raymond H. Poulin, Jr. of Ripley, for appointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Carpenter of York, Kilkelly of Lincoln, Woodcock of Franklin
	Representatives	8	Bryant of Dixfield, Clark of Millinocket, Dunlap of Old Town, Honey of Boothbay, Perkins of Penobscot, Tracy of Rome, Trahan of Waldoboro, Usher of Westbrook
NAYS		0	
ABSENT		2	Rep. Chick of Lebanon, Rep. McGlocklin of Embden

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Raymond H. Poulin, Jr. of Ripley, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/David L. Carpenter  
Senate Chair

S/Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#27)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, NUTTING, O'GARA, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: MITCHELL, PENDLETON, RAND, YOUNGBLOOD

EXCUSED: Senator: CATHCART

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Raymond H. Poulin, Jr.** of Ripley, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 226

**120TH LEGISLATURE  
JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

April 13, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of David A. Wardwell of Penobscot, for appointment to the Inland Fisheries and Wildlife Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Carpenter of York, Kilkelly of Lincoln, Woodcock of Franklin
	Representatives	8	Bryant of Dixfield, Clark of Millinocket, Dunlap of Old Town, Honey of Boothbay, Perkins of Penobscot, Tracy of Rome, Trahan of Waldoboro, Usher of Westbrook
NAYS		0	
ABSENT		2	Rep. Chick of Lebanon, Rep. McGlocklin of Embden

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David A. Wardwell of Penobscot, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/David L. Carpenter  
Senate Chair

S/Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#28)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, NUTTING, O'GARA, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: MITCHELL, PENDLETON, RAND, YOUNGBLOOD

EXCUSED: Senator: CATHCART

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David A. Wardwell** of Penobscot, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 227

**120TH LEGISLATURE  
JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

April 13, 2001

The Honorable Michael H. Michaud  
President of the Senate of Maine  
120th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Lance Wheaton of Forest City, for appointment to the Inland Fisheries and Wildlife Advisory Council.

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 24, 2001

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Carpenter of York, Kilkelly of Lincoln, Woodcock of Franklin
	Representatives	8	Bryant of Dixfield, Clark of Millinocket, Dunlap of Old Town, Honey of Boothbay, Perkins of Penobscot, Tracy of Rome, Trahan of Waldoboro, Usher of Westbrook
NAYS		0	
ABSENT		2	Rep. Chick of Lebanon, Rep. McGlocklin of Embden

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lance Wheaton of Forest City, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/David L. Carpenter  
Senate Chair

S/Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#29)**

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, NUTTING, O'GARA, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: MITCHELL, PENDLETON, RAND, YOUNGBLOOD

EXCUSED: Senator: CATHCART

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Lance Wheaton** of Forest City, for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

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

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Off Record Remarks

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Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

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

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On motion by Senator **EDMONDS** of Cumberland, **ADJOURNED**, to Wednesday, April 25, 2001, at 9:00 in the morning.