

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

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Pages 1 - 911

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

In Senate Chamber
Tuesday
May 1, 2001

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

Prayer by Reverend Susan Crane of the First Baptist Church in Gardiner.

REVEREND CRANE: Grace to you and peace on this beautiful Spring morning. I am fascinated by the study of leadership. I read as much as I can about the practice and theory of leadership. Here is a book that I can wholeheartedly recommend to you. It's called Synchronicity by Joseph Jaworski. The book definitely plows some new ground and calls us to develop a radically different perspective about what we are doing and who are being when we serve as leaders.

In addition to serving as the interim pastor of a local church, I am also charged with the responsibility of advocating for women in ministry here in Maine, at least among American Baptists. What I often run into is churches who don't think they're ready for a woman pastor. It's almost as if they would rather do without than risk doing something they've never done before.

Surely as Senators in this wonderful State of Maine, you also run across people who would much rather cling to the past than venture forth into a brave new future. Yet the world around us is changing so fast we dare not dig in our heels for too long. People need leaders who will help them dream new dreams and realize new realities. Maybe that's what you and I have in common. Our role as servant leaders, on the threshold of a new era. How we collectively exercise our leadership gifts and powers in the present will have a profound effect on the future that we're all trying to bring into being. In an essence, leadership is about learning to shape the future. It's not about positional power. It's not about accomplishments. It's ultimately not even about what we do. Leadership is about creating a domain in which human beings continually deepen their understanding of reality and become more capable of participating in the unfolding of the world.

Ultimately, leadership is about creating new realities. Jaworski would say we do this best collectively. By collectively opening ourselves to all the possibilities and then working together to help the very best possibilities become the new reality. The future is not fixed. We do live in a world of possibilities and as helpless and hopeless as we sometimes feel in the face of overwhelming problems and limited resources, Jaworski invites us to believe into being the very best future we can imagine.

Will you join me in a moment of prayer. Oh Holy One, in whom we live and move and have our being, we thank You for the gift of life itself, for the beauty of this piece of earth we call Maine, and for the wonder of the human story. While we do not fully understand Your ways, Lord, we are grateful that life unfolds beneath our feet, even as we move forward into an unknown future. There are no road maps, God, but we trust that You go

before us to open a way, even where no way seems to be. We pray for the courage to address the challenges before us as we seek to serve all the people of Maine. Keep us mindful of those who need us to advocate for them, the children and the elderly, single parents, the homeless, and the disabled. Where interests conflict, help us listen with respect and seek to work things together for the good of all. Where hope seems dim, help us to trust in powers beyond our own. By Your grace may we see the possibilities for new life in every situation that we address today so the world will be a better place tomorrow for the leadership we give this day. Amen.

Reading of the Journal of Monday, April 30, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 488 L.D. 628

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

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

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

In Senate, April 10, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-214)**, in **NON-CONCURRENCE**.

On motion by Senator **KNEELAND** of Aroostook, the Senate **ADHERED**.

Non-Concurrent Matter

SENATE REPORT - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Criminalize the Possession of Theft Tools"

S.P. 62 L.D. 233

Report - **Ought to Pass**

In Senate, April 24, 2001, the **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House, the Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE**, in **NON-CONCURRENCE**.

On motion by Senator **MCALLEVEY** of York, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act to Strengthen Maine's Economic Development Incentive Laws"

S.P. 95 L.D. 321
(C "A" S-69)

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-69)**

In Senate, April 24, 2001, the **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-69)**.

Comes from the House, the Report **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 607

**STATE OF MAINE
120TH LEGISLATURE**

April 30, 2001

Hon. Kevin L. Shorey, Senate Chair
Joint Standing Committee on Business
and Economic Development
Hon. John Richardson, House Chair
Joint Standing Committee on Business
and Economic Development
120th Legislature
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has nominated Brian E. Thibau of Hermon for reappointment and James O. Donnelly of Brewer for appointment as members of the Loring Development Authority of Maine.

Pursuant to Title 5, M.R.S.A. §13080-B, these nominations will require review by the Joint Standing Committee on Business and Economic Development 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 **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator **MCALLEVEY** of York, the following Joint Order:

S.P. 606

ORDERED, the House concurring, that Bill, "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities," S.P. 331, L.D. 1099, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ.

Pursuant to Joint Rule 404 a Division was had. 27 Members of the Senate having voted in the affirmative, and no Senators having voted in the negative, and 27 being more than two-thirds of those present and voting, on motion by Senator **MCALLEVEY** of York, the Joint Order was **PASSED**.

Sent down for concurrence.

Joint Resolution

On motion by Senator **SMALL** of Sagadahoc, under unanimous consent on behalf of President **MICHAUD** of Penobscot (Cosponsored by Speaker **SAXL** of Portland and President Pro Tem **BENNETT** of Oxford, Senators: **DAGGETT** of Kennebec, **DAVIS** of Piscataquis, **TREAT** of Kennebec, Representatives: **BRUNO** of Raymond, **COLWELL** of Gardiner, **NORBERT** of Portland, **SCHNEIDER** of Durham), the following Joint Resolution:

S.P. 605

JOINT RESOLUTION HONORING THE AREA AGENCIES ON AGING AND RECOGNIZING MAY AS OLDER AMERICANS MONTH

WHEREAS, We are committed to the inherent dignity of the individual in our democratic society; and

WHEREAS, the older people of our State are entitled to health, honor, dignity, freedom, independence and efficient community services; and

WHEREAS, senior citizens and their families have a right to effective services and easy access to information about those services; and

WHEREAS, the 5 area agencies on aging in our State, the Aroostook Area Agency on Aging, Eastern Agency on Aging, Senior Spectrum (central), SeniorsPlus (western) and Southern Maine Agency on Aging, have been serving as the most comprehensive source of information and assistance for Maine's senior citizens for over 25 years; and

WHEREAS, the area agencies on aging have, since 1972, served over 4,000,000 people in various capacities, including delivering over 7,000,000 meals and providing meal sites, affordable housing opportunities, transportation, companions and assistance in negotiating the system; and

WHEREAS, over 3,500 volunteers each year have the opportunity to serve Maine's senior citizens through the area agencies on aging; and

WHEREAS, the area agencies on aging and their volunteer boards of directors serve as the focal point for senior citizens within our Maine communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this opportunity to recognize the month of May as Older Americans Month and on this occasion commend the 5 area agencies on aging for their services to Maine's senior citizens and their families and urge the agencies to continue their excellent work; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each of the 5 area agencies on aging.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife to Create a Gun Safety Program
H.P. 675 L.D. 875

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

Signed:

Senators:
CARPENTER of York
KILKELLY of Lincoln

Representatives:
DUNLAP of Old Town
TRAHAN of Waldoboro
CHICK of Lebanon
HONEY of Boothbay
USHER of Westbrook
PERKINS of Penobscot
TRACY of Rome
BRYANT of Dixfield
McGLOCKLIN of Embden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181).**

Signed:

Senator:
WOODCOCK of Franklin

Representative:
CLARK of Millinocket

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Merchandise That is Donated to a Nonprofit Organization from Use Tax"

H.P. 64 L.D. 73

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

Signed:

Senators:
GAGNON of Kennebec
KNEELAND of Aroostook
LEMONT of York

Representatives:
GREEN of Monmouth
MURPHY of Berwick
GAGNE of Buckfield
McLAUGHLIN of Cape Elizabeth
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-12).**

Signed:

Representatives:
BUCK of Yarmouth
McGOWAN of Pittsfield
BUMPS of China
BOWLES of Sanford

Comes from the House with the Reports **READ** and Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION.**

Reports **READ.**

On motion by Senator **GAGNON** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

Senate

Ought to Pass

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Washington County's Economy by Promoting Natural, Historical and Cultural Tourism"

S.P. 272 L.D. 937

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 GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Annual Support to the Maine Rural Development Council and its Community Capacity Building Work in Distressed Areas of the State"

S.P. 335 L.D. 1142

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 GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals"

S.P. 523 L.D. 1646

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 MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act to Restrict the Use of the Term "Maine Water" to Water From Maine"

S.P. 410 L.D. 1354

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 KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Make An Owner Responsible for a Person's Injuries Caused by a Dog"

S.P. 189 L.D. 661

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-98).**

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

READ ONCE.

Committee Amendment "A" (S-98) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-98).**

Sent down for concurrence.

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Change the Dates for Licensing of Agricultural Fairs and Exhibitions"

S.P. 284 L.D. 995

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-99)**.

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

READ ONCE.

Committee Amendment "A" (S-99) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-99)**.

Sent down for concurrence.

Senator SHOREY for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Increase Reimbursement Rates for Maine's Bottle Redemption Businesses"

S.P. 131 L.D. 455

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-105)**.

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

READ ONCE.

Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-105)**.

Sent down for concurrence.

Senator SHOREY for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales"

S.P. 247 L.D. 815

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-104)**.

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

READ ONCE.

Committee Amendment "A" (S-104) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104)**.

Sent down for concurrence.

Senator YOUNGBLOOD for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement"
S.P. 324 L.D. 1092

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

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

READ ONCE.

Committee Amendment "A" (S-106) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator SHOREY for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Maine Science and Technology Foundation to Determine the Physical Condition of Information Technology Infrastructure in the State (EMERGENCY)

S.P. 513 L.D. 1632

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

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

READ ONCE.

Committee Amendment "A" (S-107) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably"

S.P. 133 L.D. 457

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-100)**.

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

READ ONCE.

Committee Amendment "A" (S-100) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100)**.

Sent down for concurrence.

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Amend the Employment Tax Increment Financing Program"

S.P. 192 L.D. 664

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-102)**.

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

READ ONCE.

Committee Amendment "A" (S-102) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-102)**.

Sent down for concurrence.

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Taxation Resulting from Its Review of Income Tax Expenditures Pursuant to the Maine Revised Statutes, Title 36, chapter 9"

S.P. 234 L.D. 803

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-101)**.

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

READ ONCE.

Committee Amendment "A" (S-101) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-101)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Preserve the Life and Health of Women"

S.P. 366 L.D. 1204

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

Signed:

Senators:

McALEVEY of York
RAND of Cumberland
FERGUSON of Oxford

Representatives:

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

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

Signed:

Representatives:

MADORE of Augusta
WATERHOUSE of Bridgton
MENDROS of Lewiston

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the State's Abortion Reporting Law"

S.P. 543 L.D. 1689

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

Signed:

Senators:

McALEVEY of York
FERGUSON of Oxford
RAND of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-103)**.

Signed:

Representatives:

MADORE of Augusta
WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

Reports **READ**.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (4/30/01) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Fairly Distribute the Payment of Real Estate Transfer Taxes"

H.P. 729 L.D. 949

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-154)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 30, 2001, by Senator **GAGNON** of Kennebec

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

(In House, April 26, 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-154)**.)

(In Senate, April 30, 2001, Reports **READ**.)

On motion by Senator **GAGNON** of Kennebec, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/30/01) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require a Life Sentence for Murder Unless There Are Mitigating Circumstances"

S.P. 203 L.D. 768

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-95)** (3 members)

Tabled - April 30, 2001, by Senator **O'GARA** of Cumberland

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

(In Senate, April 30, 2001, Reports **READ**.)

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

Sent down for concurrence.

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

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

ORDERS

Joint Order

On motion by Senator **SAVAGE** of Knox, the following Joint Order:

S.P. 608

ORDERED, the House concurring, that Bill, "An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License," S.P. 208, L.D. 773, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/25/01) Assigned matter:

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001 (EMERGENCY)

H.P. 1309 L.D. 1772

Tabled - April 26, 2001, by Senator **DAGGETT** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, April 25, 2001, **PASSED TO BE ENGROSSED**.)

(In Senate, April 26, 2001, **PASSED TO BE ENGROSSED**, in concurrence. Subsequently, on motion by Senator **DAGGETT** of Kennebec, **RECONSIDERED**.)

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-108) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-108), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Lower Costs in the Small Group Market" H.P. 1324 L.D. 1784

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

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1323

JOINT RESOLUTION COMMEMORATING MAY FIRST AS COLONEL JOHN ALLAN, AMERICAN REVOLUTIONARY WAR HERO, DAY

WHEREAS, Colonel John Allan, Scottish-born patriot of the Revolutionary War, was appointed by President George Washington in 1776 as the Military Commander of the Eastern Area; and

WHEREAS, the Continental Congress in 1778 acknowledged the work of Colonel Allan in defending the District of Maine; and

WHEREAS, Colonel Allan had headquarters in Machias, Maine and defended the country during the Revolutionary War; and

WHEREAS, Colonel Allan united the Passamaquoddy, Maliseet, Penobscot and Micmac tribes with the Maine settlers and together they defended the Maine coast against the British; and

WHEREAS, Colonel Allan worked to fulfill promises made to the Passamaquoddy Tribe by meeting with President Washington and the Continental Congress; and

WHEREAS, Colonel Allan's service to the American colonies kept the area from the St. Croix River to the Penobscot River from becoming Canadian territory; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Colonel John Allan as a Patriot of Maine and we proclaim that May 1st, 2001 is Colonel John Allan Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Porter Memorial Library in Machias, Peavey Memorial Library in Eastport, the Charlotte Historical Society, the Dennysville Historical Society, the Pembroke Historical Society, the Passamaquoddy Tribe and the Daughters of the American Revolution, who maintain the historical memorials in honor of this important time in Maine history.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1325

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources report out, to the House, legislation relating to marine patrol officers.

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

READ and **PASSED**, in concurrence.

Off Record Remarks

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

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Wednesday, May 2, 2001, at 9:00 in the morning.