

MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature
State of Maine

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

In Senate Chamber
Wednesday
May 9, 2001

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

Prayer by Reverend Dr. Beth Pendleton Clark, Retired, United
Church of Christ.

REVEREND CLARK: First I want to thank you for letting me be here with you and I want you to know for someone to be away as long as I have from Maine and then to come back, it's such a joy to be here. I've lived in 10 other states besides Maine. When I graduated from Colby, I went to Boston and only came back to visit. I'm only now living here again and I'm very very grateful to be here.

Will you join me in prayer. Living, loving God, our creator and our sustainer, we come to You again as we acknowledge that You truly are the way, the truth, and the life for us all. You are the very breath of our life. When we try to work by ourselves, we quickly learn our need for Your wisdom. Help us to remember that you are the very source of our being and that we truly are totally dependent on You. We thank You for so many of the blessings we receive, especially for our State of Maine. We are so proud of our state. We also thank You for the opportunities and the challenges it presents. Years ago we learned two Bible verses that serve as guidelines for us. God is love and be kind. With Robert Fulghum we feel that these may be all we really need to know. These two guidelines remain even though the world is forever changing. Oh merciful God, change is threatening. We don't like it and we realize that change is the greatest problem we face today. The world is changing. Society is changing. People are changing. There are issues and questions that are too difficult for us. Oh God, help us to sense Your presence, to be more aware of the insight You can give us and of the motives inherent in Your spirit. That spirit of concern which can take us beyond the mundane, beyond the limits of human understandings. Help us to remember also that we, too, are learners. No one is perfect. No one knows all the answers. Help us to keep an open mind. There is always need for humility. To learn and grow requires a willingness to look at alternatives with a spirit of acceptance. Oh caring and concerned God, we would always be caring and concerned for the people of this state as our primary responsibility. This we pray in the name of the one who came to teach us how to live and how to live abundantly. Amen.

Reading of the Journal of Tuesday, May 8, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses" (EMERGENCY) S.P. 35 L.D. 133

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-80)** (5 members)

In Senate, April 26, 2001, on motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass** (5 members)

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

In Senate, April 24, 2001, on motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **WOODCOCK** of Franklin, the Senate **ADHERED**.

Non-Concurrent Matter

Bill "An Act to Allow Washington County to Elect Its Own District Attorney"

H.P. 354 L.D. 444

In House, April 11, 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-77) AND HOUSE AMENDMENT "A" (H-111)**.

In Senate, May 8, 2001, on motion by Senator **GOLDTHWAIT** of Hancock, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77) AS AMENDED BY HOUSE AMENDMENT "A" (H-151)** thereto, **AND HOUSE AMENDMENT "A" (H-111)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Establish a Fatherhood Issues Study Commission (EMERGENCY)

H.P. 370 L.D. 472
(C "A" H-87)

In Senate, April 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87) AS AMENDED BY HOUSE AMENDMENT "A" (H-362)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **UTILITIES AND ENERGY** Bill "An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission"

H.P. 996 L.D. 1333

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-307)** (7 members)

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

In House, May 7, 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-307).

In Senate, May 8, 2001, on motion by Senator **FERGUSON** of Oxford, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **FERGUSON** of Oxford moved the Senate **ADHERE**.

Senate at Ease.

Senate called to order by the President.

The Chair ordered a Division. 24 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **FERGUSON** of Oxford to **ADHERE**, **PREVAILED**.

House Paper

Bill "An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws" H.P. 1339 L.D. 1794

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

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

Joint Order

The following Joint Order: H.P. 1340

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, a bill regarding laws governing the Department of Defense, Veterans and Emergency Management.

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

READ.

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

COMMUNICATIONS

The Following Communication: H.C. 247

**HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
120TH LEGISLATURE**

May 8, 2001

Honorable Joy J. O'Brien
Secretary of the Senate
120th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Criminal Justice on Bill "An Act to Prevent Theft of Motor Fuels"

(H.P. 907) (L.D. 1221)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

S.P. 615 L.D. 1795

Sponsored by Senator SAVAGE of Knox.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Fund Community Health Access Programs"
H.P. 196 L.D. 226

Reported that the same be **Referred** to the Committee on **Appropriations and Financial Affairs**.

Signed:

Senators:
LaFOUNTAIN of York
DOUGLASS of Androscoggin

Representatives:
DUDLEY of Portland
MICHAEL of Auburn
SMITH of Van Buren
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville

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

Signed:

Senator:
ABROMSON of Cumberland

Representative:
GLYNN of South Portland

Comes from the House with the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Reports **READ**.

Senator **LAFOUNTAIN** of York moved to **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report, in concurrence.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify the Application of the Definitions of "Medical Necessity" and "Medically Appropriate Health Care""
H.P. 216 L.D. 251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-328)**.

Signed:

Senators:
LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland
SMITH of Van Buren
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville

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

Signed:

Representative:

GLYNN of South Portland

(Representative MICHAEL of Auburn ABSTAINED.)

Comes from the House with 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-328).

Reports **READ**.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-328) **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-328), in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Offer Reciprocity Concerning Concealed Firearms Permits"

H.P. 224 L.D. 259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-213).

Signed:

Senators:

McALEVEY of York
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor

TOBIN of Dexter
PEAVEY of Woolwich
SNOWE-MELLO of Poland
WHEELER of Bridgewater

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

Signed:

Senator:

O'GARA of Cumberland

Representatives:

QUINT of Portland
GERZOFKY of Brunswick
MITCHELL of Vassalboro

Comes from the House with 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-213).

Reports **READ**.

On motion by Senator **MCALLEVEY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-213) **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-213), in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require State Approval Prior to Introducing Wolves into Maine"

H.P. 581 L.D. 736

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-348).

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln

Representatives:
DUNLAP of Old Town
CLARK of Millinocket
HONEY of Boothbay
USHER of Westbrook
McGLOCKLIN of Embden
BRYANT of Dixfield
TRAHAN of Waldoboro

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

Signed:

Senator:
WOODCOCK of Franklin

Representatives:
CHICK of Lebanon
PERKINS of Penobscot
TRACY of Rome

Comes from the House with 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-348)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide Fishing Access Signs" H.P. 587 L.D. 742

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

Signed:

Senators:
CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:
CHICK of Lebanon
CLARK of Millinocket
DUNLAP of Old Town
USHER of Westbrook
PERKINS of Penobscot
BRYANT of Dixfield

TRAHAN of Waldoboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-345)**.

Signed:

Representatives:
HONEY of Boothbay
TRACY of Rome
McGLOCKLIN of Embden

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require Free Access to Waters Stocked by the State"

H.P. 625 L.D. 825

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

Signed:

Senators:
CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:
DUNLAP of Old Town
TRAHAN of Waldoboro
HONEY of Boothbay
USHER of Westbrook
PERKINS of Penobscot
BRYANT of Dixfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-349)**.

Signed:

Representatives:
CHICK of Lebanon
CLARK of Millinocket
TRACY of Rome
McGLOCKLIN of Embden

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

Reports **READ**.

Senator **CARPENTER** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

At the request of Senator **MARTIN** of Aroostook a Division was had. 29 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **CARPENTER** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Change the Snowmobile Registration Rates"

H.P. 970 L.D. 1294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-346)**.

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro
CHICK of Lebanon
CLARK of Millinocket
DUNLAP of Old Town
USHER of Westbrook
TRACY of Rome
McGLOCKLIN of Embden
BRYANT of Dixfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-347)**.

Signed:

Representatives:

HONEY of Boothbay
PERKINS of Penobscot

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)**.

Reports **READ**.

On motion by Senator **CARPENTER** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-346) **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-346)**, in concurrence.

Divided Report

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

H.P. 1328 L.D. 1787

Reported that the same **Ought to Pass**, Pursuant to Joint Order (H.P. 612).

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**, Pursuant to Joint Order (H.P. 612).

Signed:

Representatives:

CLARK of Millinocket
CHICK of Lebanon

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

Reports **READ**.

On motion by Senator **CARPENTER** of York, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Prohibit Discrimination"

H.P. 543 L.D. 698

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

Signed:

Senators:

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
MADORE of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Signed:

Senator:

McALEVEY of York

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

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

Reports **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **FERGUSON** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **RAND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee"

H.P. 569 L.D. 724

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

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
MITCHELL of Vassalboro
JACOBS of Turner
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
MENDROS of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-339)**.

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon

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

Reports **READ**.

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Create the Civil Rights in Public Employment, Education and Contracting Act"

H.P. 755 L.D. 974

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

Signed:

Senator:

RAND of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-336)**.

Signed:

Senators:

McALEVEY of York
FERGUSON of Oxford

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

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

Reports **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services"

H.P. 779 L.D. 1023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-337)**.

Signed:

Senators:

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
MENDROS of Lewiston

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

Signed:

Senator:

McALEVEY of York

Representatives:

MADORE of Augusta
WATERHOUSE of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution"

H.P. 1084 L.D. 1453

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

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
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
MENDROS of Lewiston

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

Signed:

Representatives:
MADORE of Augusta
WATERHOUSE of Bridgton

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

Reports **READ**.

On motion by Senator **RAND** of Cumberland, the Majority
OUGHT TO PASS Report **ACCEPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to
Authorize a School Board to Deliberate in Private"
H.P. 1113 L.D. 1482

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

Signed:

Senators:
RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

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

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

Signed:

Representatives:
WATERHOUSE of Bridgton
MENDROS of Lewiston

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to
Clarify the Status of Support Obligations if an Obligor Begins to
Receive Public Assistance"
H.P. 1136 L.D. 1522

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-332).

Signed:

Senators:
RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:
LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MENDROS of Lewiston

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

Signed:

Representatives:
MADORE of Augusta
WATERHOUSE of Bridgton
SHERMAN of Hodgdon

Comes from the House with 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-332).

Reports **READ**.

On motion by Senator **RAND** of Cumberland, the Majority
OUGHT TO PASS AS AMENDED Report **ACCEPTED**, in
concurrence.

READ ONCE.

Committee Amendment "A" (H-332) **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-332), in concurrence.

Senate

Ought to Pass

Senator YOUNGBLOOD for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety

S.P. 591 L.D. 1766

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 GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Health Insurance Benefits for Retired Teachers"

S.P. 43 L.D. 211

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-152)**.

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

READ ONCE.

Committee Amendment "A" (S-152) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-152)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Allow Maine to Continue its Membership in the Northeast States Association for Agricultural Stewardship"

S.P. 85 L.D. 305

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-159)**.

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

READ ONCE.

Committee Amendment "A" (S-159) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for a Low-flow Study for the Aroostook Water and Soil Management Board"

S.P. 119 L.D. 395

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-158)**.

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

READ ONCE.

Committee Amendment "A" (S-158) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Continue the Donated Dental Services Program"

S.P. 161 L.D. 505

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-157)**.

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

READ ONCE.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Promote Learning Through the Reading Recovery Program"

S.P. 287 L.D. 998

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-156)**.

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

READ ONCE.

Committee Amendment "A" (S-156) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the Capital Riverfront Improvement District"

S.P. 302 L.D. 1049

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-155)**.

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

READ ONCE.

Committee Amendment "A" (S-155) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-155)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve the Literacy of Adults in the State"

S.P. 320 L.D. 1088

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-154)**.

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

READ ONCE.

Committee Amendment "A" (S-154) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding to Continue the State Meat Inspection Program"

S.P. 377 L.D. 1215

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-153)**.

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

READ ONCE.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions"

S.P. 472 L.D. 1536

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-151)**.

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

READ ONCE.

Committee Amendment "A" (S-151) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-151)**.

Sent down for concurrence.

Senator LONGLEY for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Change Medicaid Reimbursement for Nursing Facilities

S.P. 117 L.D. 393

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-160)**.

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

READ ONCE.

Committee Amendment "A" (S-160) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160)**.

Sent down for concurrence.

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Restore a Workers' Compensation Hearing Officer Position in Aroostook County" (EMERGENCY)

S.P. 498 L.D. 1585

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-150)**.

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

READ ONCE.

Committee Amendment "A" (S-150) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-150)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Nursery School Rules"

S.P. 291 L.D. 1002

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

Signed:

Senators:

LONGLEY of Waldo
TURNER of Cumberland
MARTIN of Aroostook

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
KANE of Saco
SHIELDS of Auburn
NUTTING of Oakland
DUGAY of Cherryfield

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

Signed:

Representative:

O'BRIEN of Augusta

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Retain Direct Care Workers for Persons with Mental Retardation (EMERGENCY)

S.P. 295 L.D. 1006

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-161)**.

Signed:

Senator:

LONGLEY of Waldo

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
DUGAY of Cherryfield
KANE of Saco
LOVETT of Scarborough
O'BRIEN of Augusta

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

SHIELDS of Auburn
NUTTING of Oakland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161)**.

Sent down for concurrence.

ENACTORS

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

Act

An Act to Clarify and Update the Security Requirements for Employers Self-insured for Workers' Compensation Liabilities
H.P. 1045 L.D. 1402
(C "A" H-246)

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

Resolve

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

H.P. 95 L.D. 99
(C "A" H-219)

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws"
H.P. 1339 L.D. 1794

Tabled - May 9, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **REFERENCE**

(In House, May 8, 2001, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **TAXATION** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Fund Community Health Access Programs"

H.P. 196 L.D. 226

Majority - **Refer** to the Committee on **Appropriations and Financial Affairs** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 9, 2001, by Senator **LAFOUNTAIN** of York

Pending - motion by same Senator to **ACCEPT** the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report, in concurrence

(In House, May 8, 2001, the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.)

(In Senate, May 9, 2001, Reports **READ**.)

On motion by Senator **LAFOUNTAIN** of York, the Majority **REFER** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Report **ACCEPTED**, in concurrence. Bill and accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Prohibit Discrimination"

H.P. 543 L.D. 698

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-333)** (4 members)

Tabled - May 9, 2001, by Senator **FERGUSON** of Oxford

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

(In House, May 8, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 9, 2001, Reports **READ**.)

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

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services"

H.P. 779 L.D. 1023

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-337)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 9, 2001, by Senator **RAND** of Cumberland

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

(In House, May 8, 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-337).**)

(In Senate, May 9, 2001, Reports **READ.**)

On motion by Senator **RAND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-337) **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-337)**, in concurrence.

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

Off Record Remarks

Senator **TURNER** of Cumberland was granted unanimous consent to address the Senate off the Record.

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

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

Off Record Remarks

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require State Approval Prior to Introducing Wolves into Maine"

H.P. 581 L.D. 736

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-348)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 9, 2001, by Senator **CARPENTER** of York

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

(In House, May 8, 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-348).**)

(In Senate, May 9, 2001, Reports **READ.**)

At the request of Senator **TREAT** of Kennebec a Division was had. 21 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **CARPENTER** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-348) **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-348)**, in concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Create the Civil Rights in Public Employment, Education and Contracting Act"

H.P. 755 L.D. 974

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-336)** (5 members)

Tabled - May 9, 2001, by Senator **RAND** of Cumberland

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

(In House, May 8, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 9, 2001, Reports **READ**.)

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

Senator **FERGUSON:** Thank you very much, Mr. President, ladies and gentlemen of the Senate. I just want to explain the bill to you. I'm going to read a section of the bill, if I may. All it does is prohibit discrimination of any kind. It says "notwithstanding any other law, the State may not discriminate against or grant preferential treatment to any person on the basis of race, sex, color, ethnic background, or national origin in public employment, public education, or public contracting." Essentially, that's all the bill says and the amendment is the fiscal note on this. I can't imagine why there'd be any expenses attached to this, but nevertheless, there was. I would urge you to vote against the pending motion so we can go on and accept the Minority report. Thank you, Mr. President.

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

Senator **RAND:** Thank you, Mr. President and men and women of the Senate. I hope you will join me in accepting the Majority Ought Not to Pass report on this bill, L.D. 974. If you just went by the title, "An Act to Create the Civil Rights in Public Employment, Education and Contracting Act," that certainly sounds non-threatening and sounds like a good thing. I will tell you that the Maine Human Rights Commission, the Maine Municipal Association, Civil Liberties Union, Maine Women's Lobby, and the Department of Bureau of Human Resources and Department of Administrative and Financial Services of the State of Maine are in opposition to this bill. The reason being that the act is certainly redundant in terms of the protections it provides, and in some instances, would

actually be in conflict with Federal and State law. L.D. 974 would prohibit discrimination on the basis of race, sex, color, ethnicity or national origin in public employment, public education or public contracting, but the Maine Human Rights Act currently prohibits such discrimination in addition to discrimination on the basis of age, religion, and physical or mental disability. What this bill, as innocuous as it sounds, is actually aimed at doing is eliminating and abolishing affirmative action. Now I know that can set off alarms in some peoples heads as far as what affirmative action is. I would like to state that it is illegal already in the State of Maine to hiring on the basis of quotas. Therefore, affirmative action just means that everyone has to be included, everyone has to be considered equally in hiring preferences. I would urge you to accept the Majority Ought Not to Pass report and support the wishes of the Maine Women's Lobby, the Maine Municipal Association, Civil Liberties Union, Maine Human Rights Commission, and the State Department of Administrative and Financial Services. Thank you.

The Chair ordered a Division. 16 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fully Fund the Endowment Incentive Fund" (EMERGENCY)

H.P. 33 L.D. 42

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-371)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**.

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

READ ONCE.

Committee Amendment "A" (H-371) **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-371)**, in concurrence.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Authorize the Maine State Housing Authority to Administer an Electric Assistance Program" (EMERGENCY)

H.P. 717 L.D. 932

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-361)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)**.

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

READ ONCE.

Committee Amendment "A" (H-361) **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-361)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Concerning Standardized Contracts for Long-term Care Services"

H.P. 157 L.D. 168

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-379)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-379)**.

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

READ ONCE.

Committee Amendment "A" (H-379) **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-379)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Child Abuse and Neglect Investigation" H.P. 166 L.D. 177

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-380)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.

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

READ ONCE.

Committee Amendment "A" (H-380) **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-380)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Expand Access to Certified Nursing Assistant Training Programs

H.P. 351 L.D. 441

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-378)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-378)**.

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

READ ONCE.

Committee Amendment "A" (H-378) **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-378)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement Recommendations of the Joint Advisory Committee on Select Services for Older Persons"

H.P. 501 L.D. 641

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-377)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-377)**.

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

READ ONCE.

Committee Amendment "A" (H-377) **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-377)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish an Ombudsman for the Department of Human Services"

H.P. 609 L.D. 764

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-376)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

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

READ ONCE.

Committee Amendment "A" (H-376) **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-376)**, in concurrence.

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 **LABOR** on Bill "An Act to Increase the State's Share of Retired Teacher Health Insurance"

H.P. 550 L.D. 705

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-366)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366)**.

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

READ ONCE.

Committee Amendment "A" (H-366) **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-366)**, in concurrence.

The Committee on **LABOR** on Bill "An Act to Clarify the Legal Status of Employees of the Governor Baxter School for the Deaf" (EMERGENCY)

H.P. 1187 L.D. 1610

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-364)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364)**.

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

READ ONCE.

Committee Amendment "A" (H-364) **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-364)**, in concurrence.

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 to Pass As Amended by Committee Amendment "B" (H-360)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-360)**.

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

READ ONCE.

Committee Amendment "B" (H-360) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-360)**, in concurrence.

The Committee on **TRANSPORTATION** on Resolve, Establishing the Blue Ribbon Commission on the East-West Rail Corridor (EMERGENCY)

H.P. 681 L.D. 881

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-375)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375)**.

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

READ ONCE.

Committee Amendment "A" (H-375) **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-375)**, in concurrence.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Improvements in the Budget Process"

H.P. 919 L.D. 1233

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-373)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**.

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

READ ONCE.

Committee Amendment "A" (H-373) **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-373)**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish the Maine Research and Development Evaluation Fund"

H.P. 988 L.D. 1325

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-372)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**.

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

READ ONCE.

Committee Amendment "A" (H-372) **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-372)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Add Cancer Drugs to the Elderly Low-cost Drug Program"

H.P. 745 L.D. 964

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-382)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**.

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

READ ONCE.

Committee Amendment "A" (H-382) **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-382)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Further Protect the Rights of Persons with Mental Retardation or Autism"

H.P. 1184 L.D. 1607

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-381)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-381)**.

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

READ ONCE.

Committee Amendment "A" (H-381) **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-381)**, in concurrence.

The Committee on **LABOR** on Bill "An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry" H.P. 998 L.D. 1335

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-363)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)**.

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

READ ONCE.

Committee Amendment "A" (H-363) **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-363)**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Allow Unexpended Balances in Funds Appropriated for a School Breakfast Incentive Grants Program to Carry Forward into Subsequent Years to be Used for School Breakfast Grants to Schools

H.P. 788 L.D. 1032
(C "A" H-293)

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

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

ENACTORS

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

Acts

An Act to Address Violence in Schools
S.P. 113 L.D. 339

An Act to Allow Vehicles to Travel for Inspection and Repair
H.P. 445 L.D. 566
(C "A" H-291)

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 Change the Snowmobile Registration Laws
S.P. 109 L.D. 335
(C "A" S-133)

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Promote Driver Responsibility" H.P. 1111 L.D. 1480

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

Signed:

Senators:
SAVAGE of Knox
O'GARA of Cumberland
GAGNON of Kennebec

Representatives:
McNEIL of Rockland
COLLINS of Wells
WHEELER of Bridgewater
WHEELER of Eliot
McKENNEY of Cumberland
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-356).**

Signed:

Representatives:

- MARLEY of Portland
- FISHER of Brewer
- BOUFFARD of Lewiston
- PARADIS of Frenchville

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

Reports **READ**.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Concerning Private Line Extensions Provided by Central Maine Power Company"

S.P. 312 L.D. 1059

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
- PERKINS of Penobscot
- BERRY of Belmont
- McGLOCKLIN of Embden
- DUNCAN of Presque Isle
- BLISS of South Portland
- HALL of Bristol
- CRABTREE of Hope

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

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ**.

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

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Establishing a Commission to Examine the Fisheries Division of the Department of Inland Fisheries and Wildlife

S.P. 401 L.D. 1317

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-163).**

Signed:

Senators:

- CARPENTER of York
- KILKELLY of Lincoln
- WOODCOCK of Franklin

Representatives:

- DUNLAP of Old Town
- TRAHAN of Waldoboro
- CLARK of Millinocket
- HONEY of Boothbay
- USHER of Westbrook
- PERKINS of Penobscot
- TRACY of Rome
- McGLOCKLIN of Embden
- BRYANT of Dixfield

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

Signed:

Representative:
CHICK of Lebanon

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-163) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-163)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Families to Request Flags for Deceased Police Officers and Firefighters that have not Died in the Line of Duty"

S.P. 364 L.D. 1202

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

Signed:

Senators:
BROMLEY of Cumberland
DOUGLASS of Androscoggin

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166)**.

Signed:

Senator:
WOODCOCK of Franklin

Reports **READ**.

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

Sent down for concurrence.

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

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

On motion by Senator **SAWYER** of Penobscot, **ADJOURNED** to Thursday, May 10, 2001, at 9:00 in the morning.