

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
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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
Thursday
May 10, 2001

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

Prayer by Father John W. Keegan, SJ, President of Cheverus High School in Portland.

FATHER KEEGAN: Let us pray. Gracious and loving God, You are the creator of all that is, the giver of all good gifts. As we rely on the wisdom and grace that You daily give us, so we come to You today in the spirit of prayer and supplication. May all that is done in this Senate chamber today and every day be motivated by service to all of the people of Maine and the common good of all rather than the personal interests of a few. May each member of this body and each of us foster justice and liberty for all as we strive to direct our thoughts to You. We trust in Your blessings and guidance today and every day as we pray to You who lives and rules the world now and forever. Amen.

Doctor of the day, Thomas Hayward, M.D., Sunbury Primary Care in East Corinth.

Reading of the Journal of Wednesday, May 9, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992" H.P. 644 L.D. 844

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-244)** (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-244)**.

In Senate, May 8, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Improve Limits on Mandatory Overtime" S.P. 318 L.D. 1086

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-112)** (7 members)

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

In Senate, May 8, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-112)**, 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Promote Healthy Workplaces" H.P. 496 L.D. 636

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-297)** (8 members)

Minority - **Ought Not to Pass** (5 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-297)**.

In Senate, May 8, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **SMALL** of Sagadahoc moved the Senate **ADHERE**.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **ADHERE**, **PREVAILED**.

COMMUNICATIONS

The Following Communication: S.C. 269

**SENATE OF MAINE
OFFICE OF THE PRESIDENT**

May 8, 2001

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Article III, Section 3.01 of the Northeast Legislative Association on Prescription Drug Prices bylaws, I am pleased to appoint the following Senators to serve as directors of the association on behalf of the State of Maine:

Senator Sharon Anglin Treat
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Susan W. Longley
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Karl Turner
Senate Republican Office
3 State House Station
Augusta, ME 04333

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 270

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY**

May 5, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1379 An Act to Define "Agriculture" in the Laws
Establishing the Department of Agriculture, Food
and Rural Resources

L.D. 1547 An Act to Amend the Animal Welfare Laws

L.D. 1589 An Act to Define "Operated" in Relation to
Commercial Large Game Shooting Areas

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

Sincerely,

S/Sen. Richard Kneeland
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

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

The Following Communication: S.C. 271

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

May 5, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 608 An Act to Provide Heating Fuel Assistance to the
Elderly

L.D. 1756 An Act to Improve Services for Children with
Autism

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

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. Randall L. Berry
House Chair

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

The Following Communication: S.C. 272

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

May 5, 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. 150 An Act to Provide Equal Access for Meeting the Needs of Students at Public Institutions of Higher Education
- L.D. 567 An Act to Financially Reward Maine Teachers Who Earn Certification from the National Board for Professional Teaching Standards
- L.D. 1359 An Act to Ensure Safe and Healthy Schools
- L.D. 1360 Resolve, to Establish a Task Force to Study Improving Economic Opportunities for Maine People Through Higher Education Attainment
- L.D. 1656 An Act to Simplify and Reform the School Funding Formula
- L.D. 1675 Resolve, to Facilitate Attracting and Retaining a High Quality Work Force at the University of Maine System

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. 273

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

May 5, 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. 247 An Act to Expand Access to Prescription Drugs with a State Toll-free Number
- L.D. 1093 An Act to Expand the Use of Tobacco Settlement Funds to Support Existing School-based Health Centers
- L.D. 1542 An Act to Create the Prescription Assistance Program

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. 274

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

May 5, 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:

LEGISLATIVE RECORD - SENATE, THURSDAY, MAY 10, 2001

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

- L.D. 62 An Act to Create a Uniform Standard Governing Legislative Leaves of Absence
- L.D. 911 An Act to Expand the Catch-up Provisions of the Deferred Compensation Plan for State Employees
- L.D. 962 Resolve, Establishing a Minimum Pay Grade Increase for State Police Officers
- L.D. 1246 An Act to Increase the Penalty for a Violation of Certain Occupational Health and Labor Laws
- L.D. 1326 An Act to Support Continued Operation of the Workers' Compensation Board

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

Sincerely,

S/Sen. Betheda G. Edmonds S/Rep. George H. Bunker Jr.
Senate Chair House Chair

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

The Following Communication: S.C. 275

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

May 5, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 88 Resolve, Authorizing Zelma Rudge to Sue the State
- L.D. 729 An Act to Amend the Laws Governing Presidential Primaries
- L.D. 1106 An Act to Bring Parity to the Candidate Signature Requirement

L.D. 1518 Resolution, Proposing an Amendment to the Constitution of Maine Concerning Direct Initiative of Legislation

L.D. 1715 An Act Relating to Video Gaming Machines

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

Sincerely,

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

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

The Following Communication: S.C. 276

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

May 5, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 1096 An Act to Amend the Public Property Tax Exemption
- L.D. 1108 An Act Regarding the Assessment and Collection of Real Estate Property Taxes
- L.D. 1381 An Act to Extend the Homestead Property Tax Exemption to Persons Living in Cooperative Housing
- L.D. 1441 An Act to Provide Private Landowners Incentives for Conservation and Public Access

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

Sincerely,

S/Sen. Kenneth T. Gagnon S/Rep. Bonnie Green
Senate Chair House Chair

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

SENATE PAPERS

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Achievement (EMERGENCY)
S.P. 616 L.D. 1797

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Speaker SAXL of Portland and Senators: MITCHELL of Penobscot, ROTUNDO of Androscoggin, SMALL of Sagadahoc, TREAT of Kennebec, Representatives: BRUNO of Raymond, COLWELL of Gardiner, ESTES of Kittery, RICHARD of Madison.

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

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend Maine Credit Laws"
H.P. 1276 L.D. 1736

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-274)**.

Signed:

Representatives:
DUDLEY of Portland
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-275)**.

Signed:

Senators:
LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:
MICHAEL of Auburn
SMITH of Van Buren

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)**.

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect Children from Internet Pornography"

H.P. 1156 L.D. 1556

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

Signed:

Senators:
MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:
RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
WESTON of Montville

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

Signed:

Senator:
NUTTING of Androscoggin

Representatives:
STEDMAN of Hartland
ANDREWS of York
LEDWIN of Holden

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

Reports **READ**.

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

At the request of Senator **NUTTING** of Androscoggin a Division was had. 27 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **MITCHELL** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Reform the Direct Initiative Process to Eliminate Abuses and Provide Greater Citizen Input in the Initiative Process"

H.P. 711 L.D. 926

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
MAYO of Bath

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-231)**.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

CHIZMAR of Lisbon
DUNCAN of Presque Isle

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

Reports **READ**.

Senator **DOUGLASS** of Androscoggin 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing Registers of Deeds"

H.P. 991 L.D. 1328

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-252)**.

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-253)**.

Signed:

Representative:

CRESSEY of Baldwin

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

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-252) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Enhance Governance of the Allagash Wilderness Waterway"
S.P. 585 L.D. 1761

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-162)**.

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

READ ONCE.

Committee Amendment "A" (S-162) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-162)**.
Sent down for concurrence.

Senator O'GARA for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Criminal Laws with Regard to Animal Welfare"
S.P. 386 L.D. 1283

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-170)**.

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

READ ONCE.

Committee Amendment "A" (S-170) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170)**.

Sent down for concurrence.

Senator LEMONT for the Committee on **MARINE RESOURCES** on Bill "An Act Making Technical Changes in the Marine Resources Laws"

S.P. 530 L.D. 1653

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-169)**.

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

READ ONCE.

Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-169)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Promote Fairness and Equity in Liquor Prices"

S.P. 136 L.D. 460

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

Signed:

Senators:
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:
LABRECQUE of Gorham
CHIZMAR of Lisbon
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
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 as Amended by Committee Amendment "A" (S-168)**.

Signed:

Senator:
WOODCOCK of Franklin

Representatives:
COTE of Lewiston
MAYO of Bath

Reports **READ**.

Senator DOUGLASS of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY) S.P. 231 L.D. 796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-167)**.

Signed:

Senator:
YOUNGBLOOD of Penobscot

Representatives:
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford
CRESSEY of Baldwin

The Minority of the same Committee on the same subject 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

Reports **READ**.

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

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 President Pro Tem **BENNETT** of Oxford, the following Joint Order:

S.P. 617

ORDERED, the House concurring, that when the House and Senate stand Adjourned they do so until Monday, May 14, 2001, at 10:00 in the morning.

READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for 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 Allow Motor Vehicle Safety Inspection Stations to Set Their Own Fees and to Require the Inspection of Brake Friction Material" H.P. 505 L.D. 645

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239)**.

Signed:

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

Representatives:
MARLEY of Portland
McNEIL of Rockland
COLLINS of Wells
WHEELER of Bridgewater
FISHER of Brewer
BOUFFARD of Lewiston
McKENNEY of Cumberland
BUNKER of Kossuth Township
PARADIS of Frenchville

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

Signed:

Representative:
WHEELER of Eliot

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-239)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-239) **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-239)**, 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 Resolve, to Restore the Steel Bridge in New Sharon
H.P. 626 L.D. 826

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

Signed:

Senators:

SAVAGE of Knox
GAGNON of Kennebec
O'GARA of Cumberland

Representatives:

PARADIS of Frenchville
BUNKER of Kossuth Township
McKENNEY of Cumberland
BOUFFARD of Lewiston
FISHER of Brewer
WHEELER of Bridgewater
COLLINS of Wells
McNEIL of Rockland
MARLEY 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-289)**.

Signed:

Representative:

WHEELER of Eliot

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.

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 **BANKING AND INSURANCE** on Bill "An Act to Update the Maine Consumer Credit Code Regarding Rental-purchase Agreements"

H.P. 877 L.D. 1156

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-368)**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland
MICHAEL of Auburn
YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-369)**.

Signed:

Representative:

SMITH of Van Buren

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

Reports **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-368) **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-368)**, 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers"

H.P. 540 L.D. 695

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-374)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot
MILLS of Somerset

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville
NASS of Acton
BELANGER of Caribou
ROSEN of Bucksport

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

Signed:

Representative:

WINSOR of Norway

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-374)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-374) **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-374)**, 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 **TAXATION** on Bill "An Act to Increase the Forest Management Planning Income Tax Credit"
H.P. 306 L.D. 384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359)**.

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:

GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
PERRY of Bangor
McLAUGHLIN of Cape Elizabeth
BUCK of Yarmouth
BUMPS of China
BOWLES of Sanford
MURPHY of Berwick

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

Signed:

Representative:
McGOWAN of Pittsfield

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-359)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-359) **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-359)**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **DAVIS** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Laws Pertaining to Domestic Violence" S.P. 232 L.D. 797

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-172)**.

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

READ ONCE.

Committee Amendment "A" (S-172) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **GAGNON** for the Committee on **TAXATION** on Bill "An Act to Enforce the Taxation of Building Materials and Modular Homes"

S.P. 309 L.D. 1056

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-171)**.

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

READ ONCE.

Committee Amendment "A" (S-171) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171)**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Providing for Enhancements to the Maine Seed Capital Tax Credit Program"

H.P. 974 L.D. 1298
(C "A" H-217)

In Senate, May 2, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-358)** thereto, in **NON-CONCURRENCE**.

Off Record Remarks

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECEDED** and **CONCURRED**.

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

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 (5/7/01) Assigned matter:

Resolve, Establishing a Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child

H.P. 670 L.D. 870
(C "A" H-263)

Tabled - May 7, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 2, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-263)**, in concurrence.)

(In House, May 7, 2001, **FINALLY PASSED**.)

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

The Chair laid before the Senate the following Tabled and Specially (5/9/01) Assigned matter:

Resolve, Establishing an Education Funding Reform Committee to Make Recommendations to Reduce the State's Reliance on the Property Tax as a Funding Source for Education

H.P. 751 L.D. 970
(C "A" H-216)

Tabled - May 8, 2001 by President Pro Tem **BENNETT** of Oxford

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 3, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216)**, in concurrence.)

(In House, May 8, 2001, **FINALLY PASSED**.)

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

The Chair laid before the Senate the following Tabled and Later (5/9/01) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Legal and Veterans Affairs reporting to the House legislation regarding laws governing the Department of Defense, Veterans and Emergency Management

H.P. 1340

Tabled - May 9, 2001, by Senator **SMALL** of Sagadahoc

Pending - **PASSAGE**, in concurrence

(In House, May 8, 2001 **READ** and **PASSED**.)

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

PASSED, in 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:

ENACTORS

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

Act

An Act to Increase the Bond Ceiling of the University of Maine System

S.P. 154 L.D. 498

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

Senate at Ease.

Senate called to order by the President.

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.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Reform the Direct Initiative Process to Eliminate Abuses and Provide Greater Citizen Input in the Initiative Process"

H.P. 711 L.D. 926

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-231)** (3 members)

Tabled - May 10, 2001, by Senator **DOUGLASS** of Androscoggin

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

(In House, May 9, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 10, 2001, Reports **READ**.)

The Chair ordered a Division. 20 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Promote Fairness and Equity in Liquor Prices"

S.P. 136 L.D. 460

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-168)** (3 members)

Tabled - May 10, 2001, by Senator **DOUGLASS** of Androscoggin

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

(In Senate, May 10, 2001, Reports **READ**.)

The Chair ordered a Division. 14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)**.

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 **UTILITIES AND ENERGY** on Bill "An Act to Remove Telemarketers from the Application of the Consumer Solicitation Sales Laws"

S.P. 166 L.D. 585

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-91)** (10 members)

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

Tabled - April 30, 2001, by Senator **FERGUSON** of Oxford

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

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

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

READ ONCE.

Committee Amendment "A" (S-91) **READ.**

On motion by Senator **MILLS** of Somerset, Senate Amendment "B" (S-123) to Committee Amendment "A" (S-91) **READ.**

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

Senator **MILLS:** Mr. President and men and women of the Senate, it is seldom more refreshing and rewarding to work in this chamber than when you have highly competent and very powerful lobbying groups on either side of an issue. In this case, the AARP on one side and the banking lobby and its various manifestations in the other. It's been a wonderful education over the last week having them pull and tug at the good Senator from Oxford, Senator Ferguson, and myself on the issues that arise from this bill. I think we have finally reached an agreed set of words for your consideration that will satisfy the requirements of the bankers who brought this bill forward and the AARP and other consumer groups who are concerned about preserving the interests of people who buy things over the telephone. There will be two amendments for your consideration this morning. The one that lies before you at the moment actually strikes out two sections of the bill. This is happening with the consent of the various parties and interests. If we had passed the bill with these provisions in it, it would have exempted bank telemarketing firms from what we call the "do not call" law. You may recall that some years ago in Maine we passed a law that said that if you want to do telemarketing into our state, you have to participate in a system where there is a central, national repository or listing of all people who do not want to be called. You have a right to call this agency, I think it's on page 8 of your phone book, and say "I don't want to be called by telemarketers who are trying to sell me something over the phone." This would preserve that right for Maine citizens. We found that the banks generally participate in this system anyway and have the intention of participating in it and there was really no need to repeal or create that section or create a special exemption for bank telemarketers. I'm very grateful for those concessions that were made by the industry. I think they were thoughtful and I just want to say I appreciate the fact that they felt they could make those concessions. So with that said, at this juncture I move for the adoption of Senate Amendment "B" which is an accession of those provisions in the bill that would have exempted certain firms from the "do not call" rules.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you, Mr. President, men and women of the Senate. I simply wanted to concur the remarks of the good Senator from Somerset, Senator Mills, and say that I, too, appreciated the willingness of the banks to work with us and also to work with AARP and other interested parties that were interested in doing things to make sure that this bill could both be passed and also would provide the protection to seniors and others that many of us feel is needed. I urge your support of this amendment and also, as we move along, further amendments that may be coming.

On motion by Senator **MILLS** of Somerset, Senate Amendment "B" (S-123) to Committee Amendment "A" (S-91) **ADOPTED.**

On further motion by same Senator, Senate Amendment "E" (S-173) to Committee Amendment "A" (S-91) **READ.**

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

Senator **MILLS:** Just briefly, ladies and gentlemen of the Senate and Mr. President, Senate Amendment "E" went through several reiterations before we finally got it right. We have a law in Maine that says if somebody calls you or knocks on your door to sell you something, you have a 3 day right of recession. In other words, if you make a rash commitment in response to an overture from somebody selling you something in person or by the phone, that commitment can be rescinded by you, can be erased, within a 3 day waiting period. The law was originally passed to deal with home-to-home or door-to-door sales and was expanded some years ago to include telephone sales. You don't have those rights if you call in. In other words, if you dial up on the internet or if you dial a phone and call in and you give them your credit card and you make a commitment to buy something, you're hooked because you initiated that contact just as if you walked into the store and bought a book or something and walked out with it. The sale is final. But if somebody else calls you or calls on you, you have a 3 day right of rescission under Maine law. The banks came to us and said "look, we'd like to sell credit cards by phone and credit services of various types." For the most part, these services aren't effective until the consumer has activated the card or in some other way expressed a separate affirmation of the terms and conditions of the sale. So why do we need to be covered by this law? I think many of us agreed that they do not need to be covered by the law. So this exemption that is contained in Senate Amendment "E" says that banks and telemarketing firms that work for banks are exempt from our 3 day rescission law but only for transactions that cannot be completed without a separate affirmation or agreement that is initiated by the consumer. I think the way it is worded now is appropriate and it preserves the spirit and the policy behind Maine's 3 day rescission rule. I want to again thank the various lobbying interests that educated us and the good Senator from Kennebec, Senator Treat, who participated actively as well. It's a very very difficult area of the law because we have some overlapping statutes in Maine that apply to these areas and Lord knows there are all sorts of federal statutes and rules. I think many of us felt it was important to preserve Maine law on this point because it was not entirely redundant to the federal laws and this amendment will do that. With that, I move adoption of Senate Amendment "E".

On motion by Senator **MILLS** of Somerset, Senate Amendment "E" (S-173) to Committee Amendment "A" (S-91) **ADOPTED.**

Committee Amendment "A" (S-91) as Amended by Senate Amendments "B" (S-123) and "E" (S-173) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91) AS AMENDED BY SENATE AMENDMENTS "B" (S-123) AND "E" (S-173)** thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/8/01) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Make Refusing a Blood-alcohol Test a Crime"

S.P. 392 L.D. 1288

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-147)** (6 members)

Tabled - May 8, 2001, by Senator **TREAT** of Kennebec

Pending - motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** Bill and accompanying papers (Roll Call Requested)

(In Senate, May 8, 2001, Reports **READ**.)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and accompanying papers.

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

READ ONCE.

Committee Amendment "A" (S-147) **READ**.

On motion by Senator **MILLS** of Somerset, Committee Amendment "A" (S-147) **INDEFINITELY POSTPONED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-164) **READ**.

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

Senator **MILLS:** Mr. President, the whole purpose of what we've just gone through is not to amend the bill but to indefinitely postpone Committee Amendment "A" which had created the provision which the good Senator from Aroostook, Senator Martin, quite intelligently took exception to and that was if somebody is picked up under suspicion of OUI and is a first time offender and refuses the test, under the Committee Amendment he could go to jail for 48 hours just for the mere refusal, even if he had no alcohol in his system. Instead the bill, the raw bill by itself, simply says and declares that that refusal is the equivalent of a first time conviction. If we have a second time convicted or the savvy defendant, the person who has been through the mill once, twice or three times, and he refuses, that will also count as a conviction and that person will go to jail because your second, third or fourth offense does require jail time. So I guess it's back

to the bill. The only purpose of the amendment that's now before you is to put a fiscal note on the bill. I would urge the adoption of that amendment. Thank you.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. I fully agree with the remarks of the Senator from Somerset, Senator Mills. I believe this sets the tone as to what we want as a policy in terms of dealing with people who are driving under the influence. It solves, obviously, the problem that I had discussed with you earlier.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. I would just like to thank the good Senator from Aroostook, Senator Martin, for his diligence in protecting our constitution. I know he loves it as much as I do. I'd like to thank the good the Senator from Somerset, Senator Mills, for his good work on this.

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-164) **ADOPTED**.

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

The Chair noted the absence of the Senator from Cumberland, Senator **ABROMSON**, the Senator from Waldo, Senator **LONGLEY**, and the Senator from York, Senator **LAFOUNTAIN** and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#45)

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

NAYS: Senators: None

EXCUSED: Senators: ABROMSON, LAFOUNTAIN, LONGLEY

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being excused, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-164).**

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 618

**STATE OF MAINE
120TH LEGISLATURE**

May 10, 2001

Hon. John L. Martin, Senate Chair
Joint Standing Committee on Natural Resources
Hon. Scott Cowger, House Chair
Joint Standing Committee on Natural Resources
120th Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that pursuant to 38 M.R.S.A. Section 341-C(5), Governor Angus S. King, Jr. has extended the term of Irving Faunce as a Member of the Board of Environmental Protection to ensure fair consideration of several major matters pending before the Board. These projects include: the license application of Bangor Hydro-Electric for the 345 kV transmission line tie with New Brunswick and the Waste Management Disposal Services of Maine (Norridgewock) licensing application for facility expansion and waste relocation.

Mr. Faunce's term shall be extended until completion of these applications, or until such a time as either his successor is nominated or he is reappointed and confirmed, whichever occurs first.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and REFERRED to the Committee on **NATURAL RESOURCES.**

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 Amend the Charter of the Buckfield Village Corporation" (EMERGENCY)

H.P. 1343 L.D. 1798

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Maintain Maine Quality Centers' Current Level of Services" (EMERGENCY)

H.P. 570 L.D. 725

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-403).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403).**

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

READ ONCE.

Committee Amendment "A" (H-403) **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-403)**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Renew the New Century Program" H.P. 1070 L.D. 1433

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-404).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404).**

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

READ ONCE.

Committee Amendment "A" (H-404) **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-404)**, in concurrence.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Forester Licensing Law"

H.P. 1277 L.D. 1737

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-396)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)**.

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

READ ONCE.

Committee Amendment "A" (H-396) **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-396)**, in concurrence.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify Certain Professional and Occupational Licensing Requirements"

H.P. 1278 L.D. 1738

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-397)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397)**.

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

READ ONCE.

Committee Amendment "A" (H-397) **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-397)**, 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 **CRIMINAL JUSTICE** on Bill "An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center"

H.P. 1201 L.D. 1623

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-389)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**.

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

READ ONCE.

Committee Amendment "A" (H-389) **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-389)**, in concurrence.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession"

H.P. 1268 L.D. 1726

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-385)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-385)**.

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

READ ONCE.

Committee Amendment "A" (H-385) **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-385)**, in concurrence.

The Committee on **LABOR** on Bill "An Act to Provide a Death Benefit to the Survivors of a Law Enforcement Officer or Firefighter Killed in the Line of Duty"

H.P. 1096 L.D. 1465

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-384)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384)**.

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

READ ONCE.

Committee Amendment "A" (H-384) **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-384)**, in concurrence.

The Committee on **MARINE RESOURCES** on Bill "An Act to Reauthorize and Expand the Lobster Promotion Council"

H.P. 304 L.D. 382

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-390)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**.

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

READ ONCE.

Committee Amendment "A" (H-390) **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-390)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **MARINE RESOURCES** on 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

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **NATURAL RESOURCES** on Joint Study Order to Establish the Joint Study Committee to Study Growth Management

H.P. 1330

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED**.

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

READ.

On motion by President Pro Tem **BENNETT** of Oxford, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, 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 Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike

H.P. 478 L.D. 618
(H "A" H-306 to C "A" H-122)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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 Resolve

Resolve, Directing a Study of the Creation of a Fire and Emergency Services Academy

S.P. 271 L.D. 936
(H "A" H-295 to C "A" S-74)

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

Senator **MCALVEY:** Thank you, Mr. President. I would like to clarify one item with this. We have a fire service commission that this legislature created two years ago. This does not create a legislative study. All this does is direct the commission that is already in place to take a look at the potential for the need for a fire emergency service academy. It places in statutes and directs them to report back to our committee next year. So this is not a legislative study committee, this is a directive to them to do that. I wanted to make that difference known to this body. Thank you.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Provide Equity in the Payment of Excise Tax on Leased Special Mobile Equipment

H.P. 724 L.D. 944
(C "A" H-305)

An Act to Amend the Maine Tort Claims Act

H.P. 747 L.D. 966
(C "A" H-279)

An Act Regarding Modified Show Vehicles

H.P. 753 L.D. 972
(C "A" H-304)

An Act to Authorize the Maine Indian Tribal-State Commission to Organize Assemblies of State and Tribal Leaders

H.P. 879 L.D. 1171
(C "A" H-284; H "A" H-311)

An Act to Create Certainty in Maine's Air Quality Program

H.P. 938 L.D. 1252
(C "A" H-298)

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 Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions

H.P. 471 L.D. 599
(C "A" H-198; H "A" H-266)

On motion by Senator **MARTIN** of Aroostook, **TABLED 1** Legislative Day, 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 Ensure the Financial Stability and Effectiveness of Certain Pollution Abatement Programs Administered by the Department of Environmental Protection

H.P. 1011 L.D. 1348
(C "A" H-300)

An Act to Encourage and Support a Mother's Decision to Breast-feed in this State

H.P. 1039 L.D. 1396

An Act to Ensure Municipal Authority over Sludge and Septage Land Spreading Sites

H.P. 1080 L.D. 1449
(C "A" H-302)

An Act to Amend Certain Laws Regarding Land and Water Quality Protection

H.P. 1108 L.D. 1477
(C "A" H-314)

An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks

H.P. 1225 L.D. 1666
(C "A" H-316)

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

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

REPORTS OF COMMITTEES

House

**Ought to Pass
Pursuant to Joint Order**

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System"

H.P. 1342 L.D. 1796

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1240).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-406)**.

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

READ ONCE.

House Amendment "A" (H-406) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-406)**, 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:

Resolves

Resolve, to Assist Municipalities in Developing and Using Geographic Information Systems to Track Development and Promote Smart Growth

H.P. 457 L.D. 578
(C "A" H-315)

Resolve, to Direct the Bureau of Forestry to Provide Community Forestry Training to Towns

S.P. 199 L.D. 671
(C "A" S-136)

Resolve, to Create a State-run Pharmacy Benefits Manager

H.P. 706 L.D. 921
(C "A" H-251)

Resolve, to Establish a Model Building Rehabilitation Code for the State

H.P. 994 L.D. 1331
(C "A" H-299)

Resolve, to Encourage State Monitoring and Management of Conservation Easements

H.P. 1252 L.D. 1700
(C "A" H-303)

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

Senator **SAVAGE** of Knox was granted unanimous consent to address the Senate off the Record.

Senator **KILKELLY** of Lincoln 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.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED**, pursuant to the Joint Order, to Monday, May 14, 2001, at 10:00 in the morning.