

MAINE STATE LEGISLATURE

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Senate Legislative Record
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
Tuesday
May 15, 2001

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

Prayer by Senator Chandler E. Woodcock of Franklin County.

SENATOR WOODCOCK: Good morning to my colleagues in the Senate. It has been my greatest blessing to have had the opportunity to preach in many churches throughout central and western Maine. I always tell the congregation that I am a Baptist and if my coat comes off, be prepared. So I'm leaving my coat on this morning, so it will be a shortened version for today's prayer.

Let us pray. Lord, this morning we gather in Your presence and we do feel Your presence among us. We are so desperately in need of the rain that is forthcoming, for our state has been dry for a long, long time. How strange it seems at times that we want to complain about the weather knowing full well that it is beyond our control and in Yours. Often we find the parallel in life that we want to complain about others, for well we know that it is beyond our control and in Yours. This morning we have gathered once again to deliberate. We ask Your blessing be upon us. We ask Your blessing be upon each member of this body as he or she goes about the business of this state. But more so, Father, we ask that Your blessing be with each member of this Senate as they go forth, for we are Your children. Our responsibilities weigh heavy upon us, both in this chamber and out. As we go forth today, touch those in need. Heal those in need. Bless those in need. We are thankful, Lord, for everything that is ours, for everything that is ours has come from You. Amen.

Doctor of the day, Cynthia Jensen, M.D. of Bangor.

Reading of the Journal of Monday, May 14, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent 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
(S "A" S-164)

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

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

In Senate, May 10, 2001, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE. COMMITTEE AMENDMENT "A" (S-147) READ** and **INDEFINITELY POSTPONED. READ A SECOND TIME. SENATE AMENDMENT "A" (S-164) READ** and **ADOPTED** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-164)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **MCALLEVEY** of York, **TABLED 1** Legislative Day, pending **FURTHER CONSIDERATION**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve the Services of the Saco River Corridor Commission"

H.P. 326 L.D. 416

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**.

Senator **FERGUSON** of Oxford requested a Division.

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

Senator **FERGUSON:** Thank you very much, Mr. President. This is a direct appropriation of \$25,000 for testing of the Saco River. No other municipality or water district has the state pay for its testing, so I would urge that you vote against the report. Thank you.

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

Senator **TREAT**: Thank you, Mr. President, men and women of the Senate. I would hope that you would go with what appears to be a unanimous report of the committee in support of this legislation. Having served on the Natural Resources Committee for 4 years, this matter came before this committee on a repeated basis. This is an extremely effective agency that is quite unique in the state. It focuses on land use issues. It focuses on water quality. It protects the water source of Biddeford and Saco. It is a very important entity. I believe the amount of money for it is small. A set of priorities will be listed that the Appropriations Committee will set when the table is run. I would encourage you to let this bill go to the table and to continue on its way. Therefore, vote in favor of the acceptance of the report.

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

Senator **MCALLEVEY**: Thank you, Mr. President, men and women of the Senate. I try not to be on opposite sides of the issue from the good Senator from Oxford, Senator Ferguson, but 3 of my 13 towns have water districts that fall within the Saco River Corridor Commission, not to mention the fact that Biddeford, Saco, Old Orchard, Kennebunk and one other town derives water from that river. I would urge passage of this committee report.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President. I'm actually speaking in opposition to the bill despite the committee's unanimous report. I was not present for the vote on that bill, and rather than divide a report on an issue that I hadn't heard discussed, I supported the majority of my committee. But I am concerned that, in this particular instance, it is really the only water system that we subsidize in this way. All over the State of Maine municipalities are testing water at their own expense. Yet, in this instance, we are providing state funds for a similar function. So it is that inequity that leads me to both speak against and vote against this bill today. Thank you.

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

Senator **LAFOUNTAIN**: Thank you, Mr. President, men and women of the Senate. Let me just remind the Senate that, yes, what this bill does is allow the state to help support a water system, but on numerous occasions in this legislature we also ask the state to help support local transportation systems that may run throughout your communities. Let me remind the Senate that the Saco River forms in the state of New Hampshire and travels through to York County and meets the ocean in the Biddeford-Saco area, where there is a population base of probably 40,000 to 50,000 individuals that depend on the water from that source. I must say, of all the major rivers in the State of Maine, we are the only communities that can actually drink the water as it meets the ocean. That's something to say for the quality of what the Saco River Corridor Commission has been able to do over the last few years. Thank you.

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

Senator **MCALLEVEY**: Thank you, Mr. President, men and women of the Senate. I rarely rise a second time to speak on an issue, but I wish to on this issue. The good Senator from York, Senator LaFountain, mentioned what the population was in that county, but in the summer the population goes to over 1 million with the tourists, people coming to their summer camps, and what have you. The Saco River is the cleanest river in the state for a number of reasons. The biggest reason is because this legislature has taken affirmative steps to protect that river. As far as expending monies for only one river, perhaps this could be the camel's nose under the tent for the rest of our state rivers, or to use a trite saying, an opening in the dam, so to speak. But this is a very small amount of money for the huge return that effects many people within this state. If similar legislation came forward for other rivers for state funds, I would not be opposed to those either. But this is an excellent place to start. Thank you.

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 have more miles on the Saco River than any other legislator in the state. Over the years, I have supported the Saco River Corridor Commission. As a County Commissioner, I remember they came to us years ago and I did support an appropriation to get them going. At that time, the municipalities along the river were appropriating money to support the commission. But support dwindled for them and they did come to the legislature to get their money. It seems to me that they shouldn't have special treatment in this instance. If the river is so clean and it requires testing, it seems to me that the municipalities along the river should be willing to bear that expense. Therefore, I would ask the members of this body to vote against the legislation. Thank you, Mr. President.

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

Senator **CARPENTER**: Thank you, Mr. President, women and men of the Maine Senate. I have debated this bill before in my past life as a Senator. It keeps coming up. Basically what it is, the Saco River Corridor is pretty much managed unlike the rest of the state. The rest of the state uses the Department of Environmental Protection and they also should control the Saco River Corridor, their abutters, and how close they can build. But it seems like the Saco River Corridor is taking this over. \$25,000. I think they only use or appropriate maybe \$20,000. But no matter how you look at it, the rest of the water departments in the state have to test their own water and treat according. I just don't think it's correct that the Biddeford-Saco Water Department is really using this \$25,000 to test their water systems rather than do it the rest of the way other municipalities do. I would vote to oppose the motion.

At the request of Senator **FERGUSON** of Oxford a Division was had. 18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Report **ACCEPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Increase the Penalties for Animal Cruelty"

H.P. 1232 L.D. 1679

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-423)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423)**.

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

READ ONCE.

Committee Amendment "A" (H-423) **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-423)**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Physical Force Justification Laws"
H.P. 545 L.D. 700

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

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

O'BRIEN of Lewiston
BLANCHETTE of Bangor
TOBIN of Dexter
PEAVEY of Woolwich
WHEELER of Bridgewater

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

Signed:

Representatives:

POVICH of Ellsworth
QUINT of Portland
SNOWE-MELLO of Poland
MITCHELL of Vassalboro
GERZOFISKY of Brunswick

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Law Pertaining to the Solvency of the Unemployment Compensation Fund"

H.P. 218 L.D. 253

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

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township
MATTHEWS of Winslow
TREADWELL of Carmel
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-367)**.

Signed:

Representatives:

MacDOUGALL of North Berwick
DAVIS of Falmouth
CRESSEY of Baldwin

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

H.P. 119 L.D. 123

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

COTE of Lewiston
ESTES of Kittery
HEIDRICH of Oxford
PATRICK of Rumford
O'BRIEN 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-169)**.

Signed:

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
TUTTLE of Sanford
DUNCAN of Presque Isle
MAYO of Bath

Comes from the House with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

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

H.P. 936 L.D. 1250

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland

Representatives:

CHIZMAR of Lisbon
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle
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-387)**.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham
COTE of Lewiston

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Regarding Investigations by the Commission on Governmental Ethics and Election Practices"

H.P. 1020 L.D. 1369

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
DUNCAN of Presque Isle
MAYO of Bath

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

Signed:

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford

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 **DOUGLASS** of Androscoggin, 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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Elections"

H.P. 1243 L.D. 1686

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland

Representatives:

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

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

Signed:

Senator:

WOODCOCK of Franklin

Representative:

LABRECQUE of Gorham

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Change the Noncommercial Scallop Diving Season" H.P. 111 L.D. 115

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

Signed:

Senators:

LEMONT of York
EDMONDS of Cumberland
PENDLETON of Cumberland

Representatives:

CHICK of Lebanon
VOLENIK of Brooklin
PINKHAM of Lamoine
ASH of Belfast

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Signed:

Representatives:

MUSE of Fryeburg
SULLIVAN of Biddeford
LEMOINE of Old Orchard Beach
USHER of Westbrook
McNEIL of Rockland
BULL of Freeport

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill
"An Act to Limit Lobster Management Zones to State Coastal
Waters"

H.P. 145 L.D. 156

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

Signed:

Senators:

LEMONT of York
PENDLETON of Cumberland

Representatives:

MUSE of Fryeburg
CHICK of Lebanon
SULLIVAN of Biddeford
LEMOINE of Old Orchard Beach
USHER of Westbrook
BULL of Freeport
ASH of Belfast

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

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

VOLENIK of Brooklin
PINKHAM of Lamoine
McNEIL of Rockland

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

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT**
the Minority **OUGHT TO PASS** 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** Report, in **NON-**
CONCURRENCE.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill
"An Act to Amend the Lobster Licensing Laws"

H.P. 366 L.D. 468

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

Signed:

Senators:

LEMONT of York
PENDLETON of Cumberland

Representatives:

MUSE of Fryeburg
SULLIVAN of Biddeford
VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
USHER of Westbrook
McNEIL of Rockland
BULL of Freeport

The Minority of the same Committee on the same subject
reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-395).

Signed:

Representatives:

CHICK of Lebanon
PINKHAM of Lamoine
ASH of Belfast

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on
Bill "An Act Authorizing the Public Utilities Commission to Award
Restitution to Customers Damaged by Inferior Utility Service"

H.P. 715 L.D. 930

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

Signed:

Senators:

FERGUSON of Oxford
CARPENTER of York

Representatives:

RINES of Wiscasset
BERRY of Belmont
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 as Amended by Committee Amendment "A" (H-402).**

Signed:

Senator:

TREAT of Kennebec

Representatives:

SAVAGE of Buxton
PERKINS of Penobscot
GOODWIN of Pembroke
McGLOCKLIN of Embden

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

Reports **READ**.

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

Senate

**Ought to Pass
Pursuant to Joint Order**

Senator McALEVEY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force"

S.P. 620 L.D. 1800

Reported that the same **Ought to Pass**, pursuant to Joint Order (S.P. 597).

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission"

S.P. 365 L.D. 1203

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-181).**

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

READ ONCE.

Committee Amendment "A" (S-181) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-181).**

Sent down for concurrence.

Senator CARPENTER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws" (EMERGENCY)
S.P. 546 L.D. 1692

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-187).**

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

READ ONCE.

Committee Amendment "A" (S-187) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187).**

Sent down for concurrence.

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Provide Pay Equity"

S.P. 145 L.D. 489

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-188).**

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

READ ONCE.

Committee Amendment "A" (S-188) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-188).**

Sent down for concurrence.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act to Establish a Clean Government Initiative" S.P. 256 L.D. 886

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-194)**.

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

READ ONCE.

Committee Amendment "A" (S-194) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-194)**.

Sent down for concurrence.

Senator SAWYER for the Committee on **NATURAL RESOURCES** on Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling S.P. 600 L.D. 1775

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-193)**.

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

READ ONCE.

Committee Amendment "A" (S-193) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-193)**.

Sent down for concurrence.

Senator SAVAGE for the Committee on **TRANSPORTATION** on Resolve, to Change Route Designations of Certain Interstates and to Change the Interstate Exit Numbering System S.P. 385 L.D. 1282

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-183)**.

Report **READ**.

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

Senator SAVAGE for the Committee on **TRANSPORTATION** on Bill "An Act to Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks" S.P. 431 L.D. 1411

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-184)**.

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

READ ONCE.

Committee Amendment "A" (S-184) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-184)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Correct an Error in the Bureau of Parks and Lands Statute" S.P. 144 L.D. 488

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-182)**.

Signed:

Senators:
KNEELAND of Aroostook
NUTTING of Androscoggin

Representatives:
McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln
JODREY of Bethel

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

Signed:

Representatives:
VOLENIK of Brooklin
HAWES of Standish

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-182) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Fully Fund the Geographic Isolation Adjustment" (EMERGENCY)
S.P. 428 L.D. 1383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195)**.

Signed:

Senators:
MITCHELL of Penobscot
NUTTING of Androscoggin
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
LEDWIN of Holden

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

Signed:

Representatives:
STEDMAN of Hartland
ANDREWS of York

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-195) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects"
S.P. 137 L.D. 461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-190)**.

Signed:

Senator:
EDMONDS of Cumberland

Representatives:
MATTHEWS of Winslow
BUNKER of Kossuth Township
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Senators:
TURNER of Cumberland
SAWYER of Penobscot

Representatives:
TREADWELL of Carmel
CRESSEY of Baldwin
DAVIS of Falmouth
MacDOUGALL of North Berwick

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Strengthen Maine's Worker Advocate Program"
S.P. 198 L.D. 670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-189)**.

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township
MATTHEWS of Winslow
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Representatives:

TREADWELL of Carmel
MacDOUGALL of North Berwick
DAVIS of Falmouth
CRESSEY of Baldwin

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-189) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Direct Sales from Maine Breweries"

S.P. 121 L.D. 397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-191)**.

Signed:

Senators:

DOUGLASS of Androscoggin
WOODCOCK of Franklin
BROMLEY of Cumberland

Representatives:

CHIZMAR of Lisbon

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

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

Signed:

Representative:

LABRECQUE of Gorham

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-191) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-191)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Regulate Push Polling"

S.P. 308 L.D. 1055

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
PATRICK of Rumford

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

Signed:

Senator:
WOODCOCK of Franklin

Representatives:
LABRECQUE of Gorham
HEIDRICH of Oxford
DUNCAN of Presque Isle
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 **TAXATION** on Bill "An Act to Enhance and Protect Disclosure of Confidential Property Tax Information"

S.P. 533 L.D. 1654

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

Signed:

Senators:
GAGNON of Kennebec
KNEELAND of Aroostook

Representatives:
GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
McGOWAN of Pittsfield
BUCK of Yarmouth
BOWLES of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-185)**.

Signed:

Representative:
McLAUGHLIN of Cape Elizabeth

Reports **READ**.

Senator **GAGNON** of Kennebec 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.

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

Off Record Remarks

RECALLED FROM GOVERNOR'S DESK

An Act to Establish the Maine Firefighter Training Fund
H.P. 804 L.D. 1048
(C "A" H-159)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 621), in concurrence.)

(In Senate, May 2, 2001, **PASSED TO BE ENACTED**, in concurrence.)

On motion by Senator **MCALLEVEY** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/14/01) Assigned matter:

Bill "An Act Relating to Licensing Board Fee Caps"
H.P. 1267 L.D. 1718
(C "A" H-326)

Tabled - May 14, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **FURTHER CONSIDERATION**

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**, in concurrence.)

(In House, May 14, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) AND HOUSE AMENDMENT "A" (H-407)**, in **NON-CONCURRENCE**.)

On motion by Senator **SHOREY** of Washington, the Senate **RECEDED** and **CONCURRED**.

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 Fund the Endowment Incentive Fund
H.P. 33 L.D. 42
(C "A" H-371)

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

Emergency Measure

An Act to Provide Funding for a Low-flow Study for the Aroostook Water and Soil Management Board
S.P. 119 L.D. 395
(C "A" S-158)

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

Emergency Measure

An Act to Authorize the Maine State Housing Authority to Administer an Electric Assistance Program
H.P. 717 L.D. 932
(C "A" H-361)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Measure

An Act to Clarify the Legal Status of Employees of the Governor Baxter School for the Deaf
H.P. 1187 L.D. 1610
(C "A" H-364)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Emergency Resolve

Resolve, Requiring the Joint Standing Committee on Transportation to Study Passenger and Freight Rail Opportunities in the State
H.P. 681 L.D. 881
(C "A" H-375)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources
H.P. 1305 L.D. 1769

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

Acts

An Act Concerning Standardized Contracts for Long-term Care Services
H.P. 157 L.D. 168
(C "A" H-379)

An Act to Reauthorize and Expand the Lobster Promotion Council
H.P. 304 L.D. 382
(C "A" H-390)

LEGISLATIVE RECORD - SENATE, TUESDAY, MAY 15, 2001

An Act to Implement Recommendations of the Joint Advisory Committee on Select Services for Older Persons

H.P. 501 L.D. 641
(C "A" H-377)

An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Vehicle Inspection Fees

H.P. 505 L.D. 645
(C "A" H-239)

An Act to Require State Approval Prior to Introducing Wolves into Maine

H.P. 581 L.D. 736
(C "A" H-348)

An Act to Enforce the Taxation of Building Materials and Modular Homes

S.P. 309 L.D. 1056
(C "A" S-171)

An Act to Update the Maine Consumer Credit Code Regarding Rental-purchase Agreements

H.P. 877 L.D. 1156
(C "A" H-368)

An Act to Make Improvements in the Budget Process

H.P. 919 L.D. 1233
(C "A" H-373)

An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry

H.P. 998 L.D. 1335
(C "A" H-363)

An Act to Clarify the Use of Funds for Reclassifications and Temporary Positions

S.P. 472 L.D. 1536
(C "A" S-151)

An Act to Restore a Workers' Compensation Hearing Officer Position in Aroostook County

S.P. 498 L.D. 1585
(C "A" S-150)

An Act to Further Protect the Rights of Persons with Mental Retardation or Autism

H.P. 1184 L.D. 1607
(C "A" H-381)

An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center

H.P. 1201 L.D. 1623
(C "A" H-389)

An Act Making Technical Changes in the Marine Resources Laws

S.P. 530 L.D. 1653
(C "A" S-169)

An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession

H.P. 1268 L.D. 1726
(C "A" H-385)

An Act to Amend the Forester Licensing Law

H.P. 1277 L.D. 1737
(C "A" H-396)

An Act to Clarify Certain Professional and Occupational Licensing Requirements

H.P. 1278 L.D. 1738
(C "A" H-397)

An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System

H.P. 1342 L.D. 1796
(H "A" H-406)

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 Exempt from Use Tax Merchandise that is Donated to an Exempt Organization

H.P. 64 L.D. 73
(C "B" H-360)

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

An Act Regarding Child Abuse and Neglect Investigation

H.P. 166 L.D. 177
(C "A" H-380)

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

An Act to Increase Health Insurance Benefits for Retired Teachers

S.P. 43 L.D. 211
(C "A" S-152)

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

An Act to Allow Maine to Continue its Membership in the Northeast States Association for Agricultural Stewardship

S.P. 85 L.D. 305
(C "A" S-159)

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

An Act Concerning National Board Certification of Teachers
H.P. 346 L.D. 436
(C "A" H-320)

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

An Act to Continue the Donated Dental Services Program
S.P. 161 L.D. 505
(C "A" S-157)

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

An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers

H.P. 540 L.D. 695
(C "A" H-374)

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

An Act to Increase the State's Share of Retired Teacher Health Insurance

H.P. 550 L.D. 705
(C "A" H-366)

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

An Act to Maintain Maine Quality Centers' Current Level of Services

H.P. 570 L.D. 725
(C "A" H-403)

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

An Act to Establish an Ombudsman for Children and Families
H.P. 609 L.D. 764
(C "A" H-376)

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

An Act to Add Cancer Drugs to the Elderly Low-cost Drug Program

H.P. 745 L.D. 964
(C "A" H-382)

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

An Act to Promote Learning Through the Reading Recovery Program

S.P. 287 L.D. 998
(C "A" S-156)

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

An Act to Appropriate Funds for the Capital Riverfront Improvement District

S.P. 302 L.D. 1049
(C "A" S-155)

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

An Act to Amend the State's Overtime Law

S.P. 314 L.D. 1082
(S "A" S-137 to C "A" S-114)

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act to Improve the Literacy of Adults in the State

S.P. 320 L.D. 1088
(C "A" S-154)

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

An Act to Provide Funding to Continue the State Meat Inspection Program

S.P. 377 L.D. 1215
(C "A" S-153)

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

An Act to Provide Public Employees Equal Access to Personnel Files

H.P. 910 L.D. 1224
(C "A" H-319)

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

An Act to Amend the Criminal Laws with Regard to Animal Welfare

S.P. 386 L.D. 1283
(C "A" S-170)

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

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

H.P. 974 L.D. 1298
(H "A" H-358 to C "A" H-217)

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

An Act to Establish the Maine Research and Development Evaluation Fund

H.P. 988 L.D. 1325
(C "A" H-372)

On motion by Senator **CATHCART** of Penobscot, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act to Renew the New Century Program

H.P. 1070 L.D. 1433
(C "A" H-404)

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

An Act to Provide a Death Benefit to the Survivors of a Law Enforcement Officer, Firefighter or Emergency Medical Services Person Killed in the Line of Duty

H.P. 1096 L.D. 1465
(C "A" H-384)

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

Resolves

Resolve, to Expand Access to Certified Nursing Assistant Training Programs

H.P. 351 L.D. 441
(C "A" H-378)

Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Inland Fisheries Management Program

S.P. 401 L.D. 1317
(C "A" S-163)

Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan

S.P. 536 L.D. 1667

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

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

Resolve, to Change Medicaid Reimbursement for Nursing Facilities

S.P. 117 L.D. 393
(C "A" S-160)

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

Off Record Remarks

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Enhance and Protect Disclosure of Confidential Property Tax Information"

S.P. 533 L.D. 1654

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-185)** (1 member)

Tabled - May 15, 2001, by Senator **GAGNON** of Kennebec

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

(In Senate, May 15, 2001, Reports **READ**.)

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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 Amend the Laws Governing Elections"

H.P. 1243 L.D. 1686

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-386)** (11 members)

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

Tabled - May 15, 2001, by Senator **RAND** of Cumberland

Pending - motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, May 14, 2001, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

(In Senate, May 15, 2001, Reports **READ**.)

On motion by Senator **DOUGLASS** of Androscoggin, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

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

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

H.P. 145 L.D. 156

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

Minority - **Ought to Pass** (4 members)

Tabled - May 15, 2001, by Senator **EDMONDS** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 14, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 15, 2001, Reports **READ**.)

On motion by Senator **LEMONT** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**.

The Chair laid before the Senate the following Tabled and Later (5/10/01) Assigned 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)

Tabled - May 10, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(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**.)

(In House, May 9, 2001, that Body **ADHERED**.)

Senator **EDMONDS** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#46)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, LAFOUNTAIN, LONGLEY, MARTIN, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KILKELLY, KNEELAND, LEMONT, MCALEVEY, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: GAGNON

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **EDMONDS** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

(See action later today.)

The Chair laid before the Senate the following Tabled and Later (5/10/01) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Improve Limits on Mandatory Overtime"
S.P. 318 L.D. 1086
(C "A" S-112)

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

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

Tabled - May 10, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

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

(In House, May 9, 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" (S-112)**, in **NON-CONCURRENCE**.)

Senator **EDMONDS** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#47)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, LONGLEY, MARTIN, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MCALEVEY, MILLS, MITCHELL, NUTTING, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later (5/14/01) Assigned matter:

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Medical Payment Coverage"
H.P. 602 L.D. 757
(C "A" H-173)

Tabled - May 14, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ENACTMENT**, in concurrence (Roll Call Requested)

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**, in concurrence.)

(In House, May 14, 2001, **PASSED TO BE ENACTED**.)

On motion by President Pro Tem **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#48)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, KNEELAND, LEMONT, MCALEVEY, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require the Destruction of Confiscated and Forfeited Handguns"

S.P. 209 L.D. 774

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-96)** (6 members)

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

Pending - motion by Senator **MCALEVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

Senator **MCALEVEY** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

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

On motion by Senator **O'GARA** of Cumberland, Senate Amendment "A" (S-149) **READ**.

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

Senator **MCALEVEY:** Thank you, Mr. President, men and women of the Senate. I want to thank the good Senator from Cumberland, Senator O'Gara, for presenting the amendment. I think it's a good compromise. It brings both sides of the issue, pro and con, a lot closer together. It's a good start. I would urge support of the amendment and eventual passage of the bill as amended.

On motion by Senator **O'GARA** of Cumberland, Senate Amendment "A" (S-149) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96) AND SENATE AMENDMENT "A" (S-149).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/14/01) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Related to Nonresident Deer Hunters"

H.P. 319 L.D. 409

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

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

Tabled - May 14, 2001, by Senator **CARPENTER** of York

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS** Report

(In House, May 10, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 14, 2001, Reports **READ**.)

Senator **KILKELLY** of Lincoln moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. Deer hunting is a long, and I think, wonderful tradition in the State of Maine. We certainly appreciate and value the folks from out of state who come to the State of Maine to make use of our vast wild lands and the wonderful hunting resource. But what's also become a tradition is the opportunity that on that first Saturday it is a resident only hunt. This bill would remove that provision. I think it's a provision that really does make sense. It certainly has become a tradition for many families to get together that day and spend the day in the woods or just to get together that day. For those of us who are residents who value that time and share the rest of the season with every

one and do that gratefully, acknowledging their impact on our economic status and also the value that they provide. I think it's really critically important that we do maintain this one tradition which is that the first Saturday of the season be resident only. For that reason I'm moving that we Indefinitely Postpone this bill and continue that tradition. I hope you'll join me in this vote. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Mr. President. Although I appreciate the good Senator's comments, what has been happening lately in this great tradition, and I am a person who participates in that first Saturday of deer hunting season as a resident, is that many of our sons and daughters have moved away from Maine and become non-residents. When they return to partake of the tradition, they are not able to join us on the opening day. In addition to that, much of the land in our state in certain parts of Maine has been sold to people from outside the state. When they participate in the deer hunting season, they are not allowed to participate fully, including the opening day, in spite of the fact that they own property which in size is much greater than many of our property holdings. I'm very much in support of changing this legislation. This legislation was enacted at a time when our deer herd was minimal and we have had great increases in our deer herd as of late. I would you, when the appropriate time arises, to support the altering of this law. Thank you.

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

Senator **MARTIN:** Thank you very much, Mr. President. I wish the deer herd was as plentiful in northern Maine as it is in central Maine. Unfortunately, that's not the case. For those of us who represent people who live in Maine year round, they really need to have that Saturday. It's been a tradition and I don't know why we want to change it. I would hope that you would vote to Indefinitely Postpone because in the long run I don't believe it's the right approach.

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

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

Senator **CARPENTER:** Thank you, Mr. President, women and men of the Maine Senate. I know it seems like a real difficult decision, whether we change something that has been in effect for a few years that hasn't been here as long as the alewives, but it's been here for 15 to 20 years. But the way I look at it right now, being chair of that committee, we need to do many things here in the State of Maine to show that we are still interested in having hunters, fishermen, hikers, and snowmobilers come to our state. We need it. We need it for finances, number one. I hunt with a group that basically has moved out of the state. They love coming on opening day and this is taking opening day, as such, that's for Maine residents and Maine residents only away from them. They normally make a stop on the way up and buy all these provisions and come to the camp. If we just had it open on

Saturday, I'd already have my deer and they would be very disappointed. In deference to the rest of the opposition, good Senators all, I hope you sincerely defeat the motion of Indefinitely Postponing this bill and give other people from out of state the equal chance that Mainers have on the Saturday previous to the opening of the deer season. I might mention one other thing. When this bill came I approached my fish and game club and I asked them how they wanted it and they said 'of course we want it for ourselves.' Then I asked the reason and there wasn't really a reason other than we want it for ourselves. I think it would benefit the State of Maine a lot more if we opened it up. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Mr. President, men and women of the Senate. The good Senator from Aroostook, Senator Martin, raises a very pertinent point. The deer herd in this state, in many counties and regions, has diminished. I would include that part of the state in which I reside, Franklin County, as an area where the deer herd has diminished. Probably this year we will not be entertaining any deer permits in the northern tier of Franklin County, which is the area in which I hunt. I think that's an argument that is portrayed throughout the State of Maine. However a large portion of the land holdings in northern Franklin County are held by people from outside the State of Maine and those people, in my opinion, over the course of time, have been unable to hunt on opening day. The time has come to change that law because now that we have the opportunity to make right something that, I think, many years ago was justifiable. We need to change it because the residents who come here from outside of Maine have given us a great deal of money, \$290 million to the Inland, Fisheries and Wildlife Department. The time has come for them to partake of this privilege throughout the entire season, to include opening day. I do agree with the good Senator from Aroostook, Senator Martin, in his assessment of the deer herd, however, that also applies to other regions of the state other than Aroostook County. Thank you, Mr. President.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. These issues, I'm sure to many of you who are familiar with hunting issues and haven't served on the committee, may seem fairly simplistic. Either we open it or we close it or we do this or we do that. First of all, I'd like to point out that a majority of the committee did vote ought not to pass on this bill, so voting to indefinitely postpone it would, in fact, be in support of the majority of the committee. On top of that, we've had a lot of discussion about what is a resident and what is a land owner. We've had proposals before the committee that would say if a person is a land owner and doesn't post their land, should they be considered a resident and get a resident license? If they are a property owner in the State of Maine, should there be no restrictions, but just allow them to get a resident license because they say, after all, they are land owners and property owners? Then we'd start having discussions about, well does that mean you own at least 50 acres of land and don't post it so that other people can, in fact, access that land to hunt, or does it mean that you own a condo or a timeshare? Because you're a property owner with a condo or a timeshare, does that allow you to get a

resident license? We've gone round and round and round on these issues. These are not simply issues in terms of how we allocate those licenses, how we deal with these issues. When I went back to folks in my district, the response that I got was it's only one day. It's the one day that we have, as residents, to spend in the woods as residents and we ought to be able to do that. It's just one day. We share the rest of the woods with everybody all the time. We do that in a respectful way. We do that in a way that's welcoming. This is just one day. So if you vote to Indefinitely Postpone this bill, you are merely maintaining the just one day for the residents of this state. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Kilkelly to Indefinitely Postpone the Bill and accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#49)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SHOREY, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **KILKELLY** of Lincoln to **INDEFINITELY POSTPONE** Bill and accompanying papers, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/14/01) Assigned matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** Bill "An Act to Establish a Primitive Firearms Season for Deer"

S.P. 210 L.D. 775

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

Minority - **Ought to Pass as Amended by Committee Amendment "A"** (S-175) (2 members)

Tabled - May 14, 2001, by Senator **CARPENTER** of York

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

(In Senate, May 14, 2001, Reports **READ**.)

The Chair ordered a Division. 27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **CARPENTER** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/14/01) Assigned matter:

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend Maine Credit Laws" H.P. 1276 L.D. 1736

Majority - **Ought to Pass as Amended by Committee Amendment "A"** (H-274) (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B"** (H-275) (5 members)

Tabled - May 14, 2001, by Senator **TREAT** of Kennebec

Pending - motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-275) Report, in **NON-CONCURRENCE** (Roll Call Requested)

(In House, May 9, 2001, 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).)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#50)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SMALL, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KNEELAND, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, TURNER, WOODCOCK, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** Report, in **NON-CONCURRENCE, PREVAILED.**

Senator **SMALL** of Sagadahoc moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** Report, in **NON-CONCURRENCE.**

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

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

Senator **ABROMSON:** Thank you, Mr. President. I just want to very briefly point out why we should be voting yes on this motion. In general, the confirmations by legislative committees are done only for gubernatorial appointments. In the Banking and Insurance Committee, the Commissioner of Professional and Financial Regulation is appointed by governor and we confirm him or her. Also the Superintendent of Banking and the Superintendent of Insurance are gubernatorial appointments. These are range 90 positions. Not requiring legislative confirmation are the Securities Administrator and the Director of Licensing Registration, both of whom are appointed by the Commissioner. No confirmation is necessary. However, as part of an overhaul of the department, there is one sort of out-layer and that is the Director of Consumer Credit Regulations, which is range 88 and is appointed by the Commissioner. This presently requires Senate confirmation. It's the only non-gubernatorial appointment that I know of that requires legislative confirmation. I would just urge that we put that in line with the rest of the department and vote to reconsider. Thank you.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President, men and women of the Senate. I would just like to remind this body that it was the prior wisdom of a previous legislature that felt that there was a compelling need to make that position a confirmable position. If you are to vote no on this bill you will be giving up power that you, as legislators, have here. Remember that there are several positions at the Office of Professional and Financial Regulations that are confirmable positions. The first is the Commissioner. The second is the Superintendent of Insurance. The third is the Superintendent of Banking. The fourth is the Director of the Consumer Division. I believe there is a compelling need that this legislature should still have oversight over those areas since that office deals with a substantial number of issues that affect my constituents and yours. I don't believe it would be in our best interest to give up our power.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Small to Reconsider whereby the Senate Accepted the Minority Ought to Pass as Amended by Committee Amendment "B" (H-275)

Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#51)

YEAS: Senators: **ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD**

NAYS: Senators: **BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD**

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **RECONSIDER** whereby the Senate **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** Report, in **NON-CONCURRENCE, PREVAILED.**

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** Report, in **NON-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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs"

H.P. 1158 L.D. 1558

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.

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Extend the Deer Hunting Season"

H.P. 1055 L.D. 1418

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-436)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436)**.

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

READ ONCE.

Committee Amendment "A" (H-436) **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-436)**, in concurrence.

The Committee on **LABOR** on Bill "An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service"

H.P. 941 L.D. 1255

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-437)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.

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

READ ONCE.

Committee Amendment "A" (H-437) **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-437)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of High-stakes Beano and High-stakes Bingo and Expanding the Number of Authorized Games"

H.P. 104 L.D. 108

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-439)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439)**.

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

READ ONCE.

Committee Amendment "A" (H-439) **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-439)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the Secretary of State to Establish a Central Voter List for the State"

H.P. 182 L.D. 193

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-438)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438)**.

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

READ ONCE.

Committee Amendment "A" (H-438) **READ**.

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-438), in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Reform Lobbyist Disclosure Requirements"

H.P. 249 L.D. 285

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-440)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440)**.

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

READ ONCE.

Committee Amendment "A" (H-440) **READ** and **ADOPTED**, in concurrence.

House

Divided Report

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Regarding Harness Racing" H.P. 1052 L.D. 1415

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-441)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441)**.

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

READ ONCE.

Committee Amendment "A" (H-441) **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-441)**, in concurrence.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Facilitate the Implementation of the Enhanced 9-1-1 Emergency System" (EMERGENCY) H.P. 1098 L.D. 1467

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-442)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442)**.

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

READ ONCE.

Committee Amendment "A" (H-442) **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-442)**, in concurrence.

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

REPORTS OF COMMITTEES

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Enhance Storage of Fish and Wildlife"

H.P. 881 L.D. 1173

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

Signed:

Senators:

CARPENTER of York
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
TRAHAN of Waldoboro
CHICK of Lebanon
CLARK of Millinocket
USHER of Westbrook
TRACY of Rome
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-421)**.

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

HONEY of Boothbay
PERKINS of Penobscot
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.

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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Create an Antlerless Deer Hunting License"

H.P. 1058 L.D. 1421

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

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln

Representatives:

DUNLAP of Old Town
TRAHAN of Waldoboro
CHICK of Lebanon
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 to Pass as Amended by Committee Amendment "A" (H-422)**.

Signed:

Senator:

WOODCOCK of Franklin

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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Provide Disclosure to Voters by a Person Paid to Collect Signatures"

H.P. 181 L.D. 192

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
PATRICK of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318)**.

Signed:

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
O'BRIEN of Lewiston
HEIDRICH of Oxford
DUNCAN of Presque Isle
MAYO of Bath

Comes from the House with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Resolve, to Allow Coastal Municipalities to Regulate the Use of Personal Watercraft

H.P. 990 L.D. 1327

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

Signed:

Senator:

LEMONT of York

Representatives:

MUSE of Fryeburg
CHICK of Lebanon
SULLIVAN of Biddeford
PINKHAM of Lamoine
USHER of Westbrook
McNEIL of Rockland
ASH of Belfast

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

Signed:

Senators:

EDMONDS of Cumberland
PENDLETON of Cumberland

Representatives:

VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
BULL of Freeport

Comes from the House with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to increase Certain Civil Process Fees"

H.P. 874 L.D. 1153

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-428)**.

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
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-429)**.

Signed:

Representatives:

KASPRZAK of Newport
CRESSEY of Baldwin

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-428)**.

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-428) **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-428)**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Relating to Restricted Licenses for Certain Drivers"
H.P. 1087 L.D. 1456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-409)**.

Signed:

Representatives:

MARLEY of Portland
McNEIL of Rockland
WHEELER of Bridgewater
FISHER of Brewer
BOUFFARD of Lewiston
McKENNEY of Cumberland
PARADIS of Frenchville

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

Signed:

Senators:

SAVAGE of Knox
O'GARA of Cumberland
GAGNON of Kennebec

Representatives:

COLLINS of Wells
WHEELER of Eliot
BUNKER of Kossuth Township

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-409)**.

Reports **READ**.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, to Modify the State Valuation for the HoltraChem Property in the Town of Orrington (EMERGENCY)
H.P. 1346 L.D. 1801

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

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

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Expand Family Life Education in Maine Schools"
H.P. 1180 L.D. 1603

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**, 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 WOODCOCK for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the State to Provide Flags for Persons Who Are Listed on the Memorials Located on State Street in Augusta"
S.P. 363 L.D. 1201

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-192)**.

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

READ ONCE.

Committee Amendment "A" (S-192) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-192)**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board of Education (EMERGENCY)
H.P. 1345 L.D. 1802

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1347

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation granting the Maine Technical College System limited revenue bonding authority.

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

READ and **PASSED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 256

**STATE OF MAINE
HOUSE OF REPRESENTATIVES**

May 14, 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 Indefinitely Postponed An Act to Eliminate the Use of Tobacco in Maine Schools and on School Grounds

(H.P. 482) (L.D. 622)
(C "A" H-123)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: S.C. 279

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

May 14, 2001

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Dawn Gallagher of Hallowell, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS Senators	2	Ferguson of Oxford, Rand of Cumberland
Representatives	5	Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Simpson of Auburn
NAYS Senators	0	
Representatives	1	Sherman of Hodgdon
ABSENT	5	Rep. Bull of Freeport, Sen. McAlevey of York, Rep. Mendros of Lewiston, Rep. Muse of South Portland, Rep. Waterhouse of Bridgton

Seven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Dawn Gallagher of Hallowell, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#52)

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dawn Gallagher** of Hallowell, for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

The Following Communication: S.C. 280

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

May 14, 2001

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Evan D. Richert of South Portland, for reappointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Ferguson of Oxford, Rand of Cumberland
	Representatives	6	Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mitchell of Vassalboro, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		5	Rep. Bull of Freeport, Sen. McAlevey of York, Rep. Mendros of Lewiston, Rep. Muse of South Portland, Rep. Waterhouse of Bridgton

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Evan D. Richert of South Portland, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#53)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Evan D. Richert** of South Portland, for reappointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

Senate at Ease.

Senate called to order by the President.

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

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.

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

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

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Protect Sensitive Geologic Areas from Oil Contamination"

H.P. 168 L.D. 179
(C "A" H-224)

In Senate, May 2, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224) AS AMENDED BY HOUSE AMENDMENT "A" (H-448)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Resolve, to Create a Stakeholders Group to Modernize Maine's Clean Air Policy

H.P. 1047 L.D. 1404
(C "A" H-301)

In Senate, May 7, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AS AMENDED BY HOUSE AMENDMENT "A" (H-425)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals"

H.P. 901 L.D. 1193
(C "A" H-292)

In Senate, May 4, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY HOUSE AMENDMENT "A" (H-426)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Amend the Licensing Provisions for Private Investigators"

H.P. 398 L.D. 519
(C "A" H-186)

In Senate, April 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186) AS AMENDED BY HOUSE AMENDMENT "A" (H-430)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Change the Snowmobile Registration Rates"
H.P. 970 L.D. 1294
(C "A" H-346)

In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346) AS AMENDED BY HOUSE AMENDMENT "A" (H-435)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act to Amend the Laws on Current Use Taxation to Exclude Property that is Subdivided After Classification "
S.P. 296 L.D. 1007
(C "A" S-141)

In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-141) AS AMENDED BY HOUSE AMENDMENT "A" (H-431)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Arnold Smith to Sue the State

H.P. 822 L.D. 1076

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-388)** (8 members)

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

In House, May 10, 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-388)**.

In Senate, May 14, 2001, the Minority **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 **DOUGLASS** of Androscoggin, the Senate **ADHERED**.

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 **LABOR** on Bill "An Act to Require a Position to be Filled in the Iris Network"
S.P. 191 L.D. 663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-200)**.

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township
MATTHEWS of Winslow
TREADWELL of Carmel
DAVIS of Falmouth
MacDOUGALL of North Berwick
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Representative:

CRESSEY of Baldwin

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-200) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

House

Divided Report

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Regarding Dismissal of Municipal Employees for Cause" S.P. 557 L.D. 1719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-199).**

Signed:

Senator:
EDMONDS of Cumberland

Representatives:
BUNKER of Kossuth Township
MATTHEWS of Winslow
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Senators:
TURNER of Cumberland
SAWYER of Penobscot

Representatives:
TREADWELL of Carmel
MacDOUGALL of North Berwick
DAVIS of Falmouth
CRESSEY of Baldwin

Reports **READ.**

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report.

Off Record Remarks

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

REPORTS OF COMMITTEES

The Majority of the Committee on **TAXATION** on Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance"

H.P. 70 L.D. 79

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-432).**

Signed:

Senators:
GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:
GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
McGOWAN of Pittsfield
MURPHY of Berwick
BUCK of Yarmouth

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

Signed:

Representatives:
PERRY of Bangor
McLAUGHLIN of Cape Elizabeth
BUMPS of China
BOWLES of Sanford

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-432).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-432) **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-432)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

7 members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide Complimentary Hunting and Fishing Licenses to Resident Active Military Personnel"
H.P. 8 L.D. 8

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-419)**.

Signed:

Senators:

CARPENTER of York
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
PERKINS of Penobscot
TRACY of Rome
McGLOCKLIN of Embden
BRYANT of Dixfield

5 members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

TRAHAN of Waldoboro
CLARK of Millinocket
HONEY of Boothbay
USHER of Westbrook

1 member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-420)**.

Signed:

Representatives:

CHICK of Lebanon

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**.

Reports **READ**.

Senator **CARPENTER** of York moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**, in concurrence.

The Chair ordered a Division. 15 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **CARPENTER** of York to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-419) **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-419)**, 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 **LEGAL AND VETERANS AFFAIRS** on Resolve, to Create the Commission to Study the Relationship Between Alcohol Sales and Substance Abuse in the State of Maine
H.P. 759 L.D. 978

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
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" (H-443)**.

Signed:

Representative:

MAYO of Bath

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

Reports **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, 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

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1319 L.D. 1781

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.

Ought to Pass As Amended

The Committee on **NATURAL RESOURCES** on Resolve, to Study the Establishment of the Department of Environmental Protection as the Lead Response Agency in All Emergency Releases and Spills of Toxic or Hazardous Materials

H.P. 1085 L.D. 1454

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-445)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445)**.

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

READ ONCE.

Committee Amendment "A" (H-445) **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-445)**, 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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Activities of Membership Organizations in Maine"

H.P. 1257 L.D. 1704

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

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

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

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

Signed:

Representative:

CHIZMAR of Lisbon

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

Reports **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 to Increase the Forest Management Planning Income Tax Credit"

H.P. 306 L.D. 384
(C "A" H-359)

In Senate, May 10, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359) AS AMENDED BY HOUSE AMENDMENT "A" (H-427)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prohibit the Misbranding of Genetically Engineered Food"
S.P. 569 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-201)**.

Signed:

Senators:

KNEELAND of Aroostook
NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:

LANDRY of Patten
LUNDEEN of Mars Hill
GOOLEY of Farmington
FOSTER of Gray
CARR of Lincoln
JODREY of Bethel

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

Signed:

Representatives:

McKEE of Wayne
VOLENIK of Brooklin
HAWES of Standish

PINEAU of Jay

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-201) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201)**.

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

JOINT RESOLUTION - Memorializing Congress to Support National Election Reform

S.P. 614

In Senate, May 8, 2001, on motion of Senator **RAND** of Cumberland, **READ** and **ADOPTED**.

Comes from the House, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison

S.P. 311 L.D. 1058
(C "A" S-179)

In Senate, May 14, 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" (S-179)**.

Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Limit Smoking by Foster Parents" (EMERGENCY)

H.P. 305 L.D. 383

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

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-444)**.

Signed:

Representative:

SHIELDS of Auburn

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

Reports **READ**.

On motion by Senator **TURNER** of Cumberland, 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

Senate

Ought to Pass

Senator O'GARA for the Committee on **CRIMINAL JUSTICE** on Bill "An Act Adopting and Implementing the National Crime Prevention and Privacy Compact" (EMERGENCY)

S.P. 545 L.D. 1691

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.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were 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 **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Human Services to Establish a Prescription Drug Reimportation Program
H.P. 701 L.D. 916

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-383)**.

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
DUGAY of Cherryfield
KANE of Saco

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

Signed:

Senator:
TURNER of Cumberland

Representatives:
LOVETT of Scarborough
O'BRIEN of Augusta
SHIELDS of Auburn
NUTTING of Oakland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)**.

Reports **READ**.

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

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

Senate at Ease.

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 Amend the Laws Governing Registration of Voters"

H.P. 936 L.D. 1250

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-387)** (3 members)

Tabled - May 15, 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 14, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 15, 2001, Reports **READ**.)

The Chair ordered a Division. 16 Senators having voted in the affirmative and 14 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 **LABOR** on Bill "An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects"
S.P. 137 L.D. 461

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-190)** (7 members)

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

Tabled - May 15, 2001, by Senator **EDMONDS** of Cumberland

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

(In Senate, May 15, 2001, Reports **READ**.)

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

Senator **EDMONDS:** Thank you, Mr. President. I just wanted to take this moment to speak to the men and women of the Senate. This isn't a simple bill, but it's very straight forward. There is, before you, the chance to take care of something that presently can't be taken care of. Presently the state does not have the resources to police wage and hour disputes sufficiently. We wish they did, but they aren't able to at the moment. Without access to wage and benefit records by concerned citizens, the law becomes meaningless. That's something we don't want. There has been an amendment added and what it provides is that wage and benefit records filed with a public authority are public records under the Freedom of Access law. I urge you to join me in the Majority Ought to Pass as Amended report. Thank you.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. This bill has been modified from its original representation in committee to make it less aggressive than its original content. However, that said, I'm still in opposition to the bill and would simply reiterate some of the points that the good Senator from Cumberland, Senator Edmonds, made. You should be aware that record keeping now is kept at the construction site. It is available for the inspection of the contracting parties from the state. It is also available to the Bureau of Labor Standards for their review. The amended bill would require duplication of such records, that they be kept both at the construction site and also at the Bureau of Labor

Standards and be made available to citizens of Maine or other potentially aggrieved parties. In addition, you should also be aware, Senator Edmond's statement notwithstanding, that the Bureau of Labor has insufficient resources to do this policing. They spoke in opposition to this bill and felt it was duplicative of an existing authority they currently have and felt the bill was unnecessary. I would ask that you vote against the impending motion. Thank you very much.

The Chair ordered a Division. 13 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/14/01) Assigned matter:

An Act to Provide Notice of Termination Status
H.P. 187 L.D. 198
(C "A" H-172)

Tabled - May 14, 2001, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172)**, in concurrence.)

(In House, May 14, 2001, **PASSED TO BE ENACTED**.)

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

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

An Act to Revise the Health Insurance Benefits Available to Retired Legislators
H.P. 1092 L.D. 1461

Tabled - May 14, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 14, 2001, **PASSED TO BE ENACTED**.)

On motion by Senator **EDMONDS** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-196) **READ**.

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

Senator **EDMONDS:** Thank you, Mr. President, women and men of the Senate. This is bill that I am pleased to be speaking about that is from my good friend, Representative Buck from Yarmouth, which is part of my district. This bill, as it was first written, provides a health insurance coverage option for legislators similar to that available to state employees and teachers. If a legislator, covered by the state paid group health insurance plan, terminates legislative service with at least 8 years of credible service in the Maine Legislative Retirement System, but does not retire at that time, the legislator may elect to continue coverage under the group plan by paying the premium until retiring. Whether or not the legislator exercises that option, the legislator may elect, at retirement, to rejoin the group plan and to have the state pay the health insurance premiums. The amendment to that bill, I pleased to bring forward, as was brought to my attention by Representative Winsor, merely adds within that language the words "remain a member of the Maine Legislative Retirement System or the Maine State Retirement System." This just clarifies, for all concerned, that the health insurance coverage option provided in the bill is also available to legislators who are members of the Maine State Retirement System as well. I think this is a simply put bill. It includes both groups, folks who are in the Maine Legislative Retirement System and folks who are in the Maine State Retirement System. I hope you will join me in support of this bill and its amendment.

On motion by Senator **EDMONDS** of Cumberland, Senate Amendment "A" (S-196) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-196), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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.

On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby it **ADHERED** on the following:

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**.)

(In House, May 9, 2001, that Body **ADHERED**.)

(In Senate, May 15, 2001, on motion by Senator **EDMONDS** of Cumberland, the Senate **ADHERED**.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ORDERS OF THE DAY

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

An Act to Amend the State's Overtime Law
S.P. 314 L.D. 1082
(S "A" S-137 to C "A" S-114)

Tabled - May 15, 2001, President Pro Tem **BENNETT** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114) AS AMENDED BY SENATE AMENDMENT "A" (S-137)** thereto.)

(In House, May 14, 2001, **PASSED TO BE ENACTED**.)

On motion by President Pro Tem **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator **SAWYER** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114) AS AMENDED BY SENATE AMENDMENT "A" (S-137)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-114) as Amended by Senate Amendment "A" (S-137) thereto.

On further motion by same Senator, Senate Amendment "B" (S-186) to Committee Amendment "A" (S-114) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sawyer.

Senator **SAWYER:** Thank you, Mr. President, ladies and gentlemen of the Senate. This body has discussed, at some length, this bill. Much has been made of the over time limits as they apply to truckers and to airline pilots. I would point out that those are Federal laws. As coming from that industry, I can assure you that 'we ain't seen nothing yet' until you've been subject to random drug tests. Secondly, I honestly believe that there will be unintended consequences of this bill if it passes in its original form. I believe those unintended consequences may include a loss, or certainly a curtailing, of flex time. Many nurses now, by their choice, work 3 12's. At Eastern Maine Medical Center, 60% of the nurses work 36 to 40 hours by their choice. 25% work either 16, 20, 27 or 32 hours by their choice. 15% are per diem. I'll point out on the handout you received earlier this morning on the Maine Hospital Association letterhead, the code of ethics of nurses working draft by the American Nurses Association says "a nurse is obligated to provide for the patient's safety to avoid abandonment and withdraw only when assured that alternative sources of nursing care are available to the patient." Part B of the B amendment, the second half, includes essentially that language in the bill. Finally, I am truly worried that in no instance do we allow a single individual the opportunity or the option of closing down a floor, closing down an emergency room. It's my understanding that even the president of a hospital, without consultation, would not be able to close down an emergency room. This bill, if passed without the amendment, could allow a single individual to ultimately make that decision because there are no checks and balances, there are no second opinions, if you will, included in the bill. Thank you very much. I'd ask your support.

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

Senator **PENDLETON**: Thank you, Mr. President, men and women of the Senate. I hope that you will vote against this proposed amendment to L.D. 1082. What the amendment does, basically, is change the bill to do exactly opposite of what we were hoping to do and puts everything back the way it was. It requires that a supervisor be involved in the decision of whether you're too tired to do extra hours after you've done your full shift. That's how things are done now. So it would seem to me that if you vote for this amendment, than you would be voting against the bill because you're turning things topsy-turvy. I also might say that maybe we're putting the horse before the cart when we talk about all the different statistics about flex time and one thing or another because it seems to me that we're thinking that it's the nurses that are causing this shortage. Quite frankly, it is not the nurses. It's the working conditions. If you want to talk about statistics, there are 22,000 nurses in Maine that carry licenses but don't work because of the working conditions, because they just can't. I hope that you will oppose this amendment and vote against the amendment so we can on and pass a really good piece of legislation. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. As a nurse, I can tell a lot about you, Mr. President, just by looking at you. I can make a ball-park guess at your blood pressure and your pulse. I can tell something about your cardiac status. I can guess at how well hydrated and how well nourished you are, I think pretty well nourished probably I would say. I can estimate the quality of your sensorium and you didn't even know you had a sensorium. What I can't tell about you is how tired you are. What this amendment does is ask another person to make a judgment about how tired someone is. I can't imagine how that judgment could be made accurately when you're a separate person. That is what this amendment does. Essentially, it provides for sort of a second opinion on how tired you are. The problem with that is a) the other person doesn't know and b) the other person accepts absolutely no responsibility. So if they guess wrong about how tired that nurse is and that nurse has a problem computing a medication or administering it or in any other aspect of patient care, it is that nurse, alone, not the supervisor that required the nurse stay on, who accepts the liability for that. So I would urge your opposition to the pending motion. Thank you.

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

Senator **EDMONDS**: Thank you, Mr. President. I just have two pieces of information to add. I think, in response to Senator Sawyer's concerns about what this may lead to, it should be remembered that this was not an issue until the law was passed that allowed employers to mandate 80 hours of overtime for nurses. That happened two years ago. Prior to that there had been no untold consequences. I don't think there will be any if we pass this law. I guess the other thing is that I just feel like it's a simple act of respect. If someone tells you that they are too tired to go on, then you respect them.

Senator **EDMONDS** of Cumberland requested a Roll Call.

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

Senator **MILLS**: Mr. President, the discussion so far has ignored the most important part of this amendment. The important part of this amendment is suggested new paragraph "C" which says that another condition of being able to reject mandatory overtime is that there be other staff of equivalent qualifications available to ensure adequate patient staffing and quality of care. Without this paragraph in the bill, it would enable someone essentially to abandon his or her patients. I don't think that that's consistent with the ethical or moral teachings of the health care profession and I think there needs to be some language in this bill that weighs the difference between personal fatigue, on the one hand, and patient abandonment on the other. I think this is an important added consideration. I think subparagraph "C" should be given very careful consideration. It should be made part of this law by all means. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. This bill is not about patient abandonment. It is not about abandoning patients. It's about nurses who are being driven to work so many hours that they can't see straight, that they can't calculate meds, that they cannot care for their patients. Believe me, a nurse would not abandon a patient. It does not happen. This is about nurses who are in a situation where they have worked 12 hours and are asked to work 16. Where they work 16 hours and are asked to work 24. This is not about nurses abandoning patients. It is about hospitals using a common practice of keeping nurses at work for so long that they can't see straight. There is absolutely nothing they can do about it. This was not an issue until the bill passed last year that said you could be kept for 80 hours of work in that two week period of overtime. Before then, nurses were asked to work overtime and they did. We worked every-other weekend for our entire professional lives and on our weekends off we were called up and asked to come in. Now you're saying we can be disciplined if we say we would like two weekends out of the month at home with our families. This is not about patient abandonment. It's about nurses working too many hours.

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

Senator **KILKELLY**: Thank you, Mr. President, men and women of the Senate. This has been, for me I guess, in the last few weeks, one of the most difficult issues that I've wrestled with for a number of reasons. One is that I very much care about nurses and appreciate and value, from lots of personal experiences, the quality of their work and the quality of their commitment. I also serve on the Board of Miles Health Care and I value the commitment and the quality of service that Miles provides. When I get calls from both of those sides, talking about the fact that each one is committed to providing good services, and whether this bill passes or whether this bills fails, that service and that quality of patient care is going to be impacted. I really struggle with that because I feel that both sides have very legitimate concerns that they've raised. When a small hospital, such as Miles, that has really a small number of folks to fall back on, can't find somebody and a patient is in Intensive Care and the decision

then is if we can't find somebody and we can't get a person to work over, does that person in Intensive Care have to be moved? Then I hear on the other side that after 20 hours can a person provide quality care? Both of those are legitimate concerns. What I'm struggling with is if there is any possibility of somehow the two sides coming together for conversation and coming up with something where it's not a win-lose situation? The hospitals care about providing care for people. The nurses care about providing care for people. This isn't an issue that I'm intimately involved with as we've heard from the people who work in the field. But I have found out in the time that I've been here, that when you've got good people on both sides of an issue who have the same goal but seem to be at loggerheads about it, there usually is some way to find something that's going to be agreeable to both. If there are problems, we ought to be dealing with that. If there are problems in some institutions, and one of the things that's been raised to me is that the big issue may be in the state hospital system, let's deal with that. But my concern is, if we, in fact, had unintended consequences of the last change we made, I am really struggling with what maybe the unintended consequence of this change, either way. I would just throw out the question to the folks that are involved on both sides of this issue. Is there any way to spend a couple of days and find some common ground and find something to agree on so we can leave here feeling that we have, in fact, respected the people who are providing care on the floor, the people who are responsible for providing the institutional system for that care, and most of all, the patients who are ultimately going to benefit from quality care? Thank you.

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

Senator TREAT: Thank you, Mr. President, men and women of the Senate. I hope you will join with me in voting against the pending motion concerning this amendment. I'm not a nurse but someone who may in the future be a patient and I'm convinced that it is in the best interest of the patients of this state to support the nurses in this. I understand the concerns that have been raised by the Senator from Somerset, Senator Mills, and the Senator from Lincoln, Senator Kilkelly, about patient care. But I believe that if we take a look at the amendment that this Senate previously put on this bill which directly links that nurses decision on whether or not to continue to work when requested to the licensure standards and you will see there is a very close connection there. If there is an issue of patient abandonment, that is something that would be very directly dealt with in those licensing standards which are now linked to this. I think it was a very effective way of addressing that question. I trust that the Senator from Hancock, Senator Goldthwait, is in fact quite correct that there will be no such issue. But for those of you who are worried about it, I think that the Senate has acted very responsibly already in making that change. I urge you to continue to support the bill as we passed it earlier in this session. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sawyer.

Senator SAWYER: Thank you, Mr. President, ladies and gentlemen of the Senate. I would ask your indulgence to share with you an anecdote of mine. I've told you previously that I've lived with a nurse for 31 years. Other than that, I've certainly not

been one but I've been a patient. I'd like to share with you that nurses are very important at certain times in our lives. I happen to have a ruptured Achilles tendon and after the surgery was in post-op when the nurse came to me and said "you and I haven't met yet, but my husband used to drive truck for you and I made him quit." I had these visions of catheters that were just very long and very uncomfortable. As it turns out, it had to do with the fact that working for me, he could not go home early enough to have dinner, and with driving over the road, he could only go home weekends and this was not in her best interest. The Senator from Lincoln, Senator Kilkelly, raised an issue that I've heard raised in this debate. Frankly, of all the issues that we may agree or disagree surrounding this bill, the one that I just can't fathom is somehow the actions of the 119th in setting a maximum hours of mandatory overtime at 80. Somehow this has exacerbated the issue before us. I do believe we all agree that the solution to this is to encourage there being more nurses entering the profession. However, that's going to have long term implications. It is my understanding, and please correct me if I'm wrong because I was not here, the preceding 80 hours of mandatory overtime, there was limitless mandatory overtime. A hospital, a dairy farmer, a trucking operation could say 'you've to work for ever.' The 119th said 'no, that's not fair to the workers. We're going to say 80 hours in two weeks is enough.' Somehow in this debate, and I happen to believe it's a red herring, that bill has somehow been tied in with the expansion of mandatory overtime in the nursing profession. I'm sorry. I don't see it. I'm certainly open to being enlightened in that regard. Somehow we've told hospitals that preceding the 119th they could have limitless overtime, post the 119th is limited to 80 hours, which is the creature of this problem. I don't understand. I understand if we disagree on management's obligations and I understand if we disagree on worker's, in this case nurses, obligations, but I just can't understand where the 80 hour mandatory overtime has suddenly enlightened hospital administrators that, voila, there is this untapped source of labor and we can make them work under 80 hours. Again, I would ask support of the amendment before you. Thank you.

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

Senator MILLS: Mr. President, if this amendment is not about patient abandonment then I don't understand why there could be objection to including subparagraph "C", which simply says that there must not be a patient abandonment situation developing from the decision to leave the duty station. I must say that there is no cross reference in this bill to rules of ethics or to rules of professional standards. Nor could there be because the bill applies to nurses only in the minority. There are thousands of other people who provide care to patients who are not nurses or who are not covered by a specific license in Title 32. CNAs and other people may have some form of license. But this isn't primarily a bill about nurses. It's primarily a bill about, and I quote, "any person who is employed by any business establishment providing health care services." This is an extraordinarily broad bill. I suggest to you that nurses are only a very few of the people covered by its broad sweep. It basically says that anybody that provides direct care to patients, anybody who is employed by a business establishment providing health care services, has a right to say no to a request for overtime and not be disciplined for that. All I'm suggesting is that subparagraph "C", which incorporates an ethical rule into that

decision, ought to be made part of this law. For that reason, I will vote for the amendment because it includes that language that deals with patient care. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Mitchell.

Senator **MITCHELL:** Thank you, Mr. President, women and men of the Senate. I would too ask you to support this amendment and to listen very closely to what the Senator from Somerset, Senator Mills, has stated. How many of you have been in nursing homes recently when on weekends, Saturday and Sunday, they had insufficient people working there to care for your loved ones, relatives and friends? How many times in small rural hospitals do we have so few employees that health care is not being provided to the extent that it should? Do we want to place into law something that's going to prohibit a person, on an emergency situation, from not being able to provide the care? All this amendment is doing is not taking away or harming, as Senator Mills has alluded to, what the nurses are demanding. It is addressing the fact that you need to pay attention to some of these instances of health care facilities where they just do not have the people to draw in if someone reports in sick or there may be that emergency situation. This would alleviate and care for that situation. I would ask your support, please, on amendment "B".

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

Senator **BROMLEY:** Thank you, Mr. President, men and women of the Senate. I us want to simply ask ourselves how we can think the solution to a labor shortage is mandatory overtime? If I were a plumber, a millworker, an auto mechanic, or a doctor and there weren't enough people to fill my shifts, would our solution be 'you must stay until the work is done'? I would say that any of us that ever took a policy class would flunk if that were the answer on our paper. In statute, and I think you've all had a chance to see this, it lists the reasons that a nurse can be disciplined and it says very clearly that one of those reasons is abandonment of a patient, under letter "G". So if it's not about abandonment, which I think we're all agreeing that it isn't, than what's it about? It's about having a supervisor in on the decision to tell you when you're too tired. I just want to again flag the Senator from Cumberland, Senator Pendleton, and the fact that she provided us that fact that there are 22,000 licensed nurses in the state right now that are not practicing. I want to remind you about the other day when I mentioned in my career counseling at the Southern Maine Technical College who may students who came wanting to be a nurse and changed their minds because their family situation wouldn't allow the scheduling. Think about that as you're voting today. The answer to a labor shortage is not mandatory overtime. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#54)

YEAS: Senators: BENNETT, CARPENTER, DAVIS, FERGUSON, KILKELLY, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

NAYS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senator: ABROMSON

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SAWYER** of Penobscot to **ADOPT** Senate Amendment "B" (S-186) to Committee Amendment "A" (S-114), **FAILED**.

Committee Amendment "A" (S-114) as Amended by Senate Amendment "A" (S-137) thereto, **ADOPTED**, in concurrence.

On motion by President Pro Tem **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#55)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, CARPENTER, DAVIS, KNEELAND, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: ABROMSON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-114) AS AMENDED BY SENATE AMENDMENT "A" (S-137)** thereto, in concurrence.

On motion by President Pro Tem **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#56)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, CARPENTER, DAVIS, KNEELAND, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: ABROMSON

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act Regarding Dismissal of Municipal Employees for Cause" S.P. 557 L.D. 1719

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-199)** (7 members)

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

Tabled - May 15, 2001, by Senator **EDMONDS** of Cumberland

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

(In Senate, May 15, 2001, Reports **READ**.)

The Chair ordered a Division. 14 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**. The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Human Services to Establish a Prescription Drug Reimportation Program

H.P. 701 L.D. 916

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-383)** (8 members)

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

Tabled - May 15, 2001, by Senator **LONGLEY** of Waldo

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

(In House, May 15, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)**.)

(In Senate, May 15, 2001, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President and members of the Senate. This is a simple measure to request the Department of Human Services to pursue a way to import drugs from Canada, given our proximity to Canada. It's a simple resolve. Basically it's a simple request.

Senator **LONGLEY** of Waldo requested a Roll Call.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. I think on the surface this is a bill that we'd all like to be in support of. It had laudable goals to try to maximize cost savings for consumers of prescription drugs and to minimize the overall cost of the state participating in such a program. There is one fatal flaw in the request and that is that we have preemption from the Federal Government which would prohibit us from engaging in such a program. Until that authority is provided to us, the resolve is rather empty in its meaning and we really have no provision to go forward with its intent. I think it provides an empty promise for those who believe that there is some opportunity here to greatly reduce drug prices. For that reason I would ask that you do this as premature and therefore accordingly vote against the motion. Thank you very much.

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

Senator **MARTIN:** Mr. President, members of the Senate. You may all remember at the end of last year that session of Congress enacted legislation which provided for the Secretary of Health and Human Services to work in achieving this goal by authorizing the Secretary to implement such a program at the discretion of the Secretary. That is basically to go and purchase the drugs, bring them to the United States, and then sell them to

pharmacies so that they could then sell them to individuals. The Secretary, Secretary Shalala at that time, decided not to implement it. So the law is now in effect. All that is presently required for this to be placed in implementation is for the Secretary to sign off. What this legislation attempts to do is, in the event that the Secretary signs off, place Maine in a position to do the purchasing of the drugs, bring them to Maine, and then distribute to the normal distribution system that pharmacies presently use to get their drugs now. What we are basically doing is putting a piece of legislation that in fact would go into effect only if the Secretary of the Department of Health and Human Services chooses to sign off on the implementation. If you believe that we should be one step up, this bill would do it. If you believe that we should not, than you should vote against it.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President. I'd like to pose a question through the chair.

THE PRESIDENT: The Senator may pose his question.

Senator **SHOREY:** If this bill is not passed and the Secretary signs off on it, would we not be able to partake in it?

THE PRESIDENT: The Senator from Washington, Senator Shorey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Mr. President. We have been informed that that is in fact the case. We would then have to come back and enact legislation in order to achieve that goal.

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

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. There may be something that I am missing, but I don't believe this is restricted to Canada, necessarily. It is "foreign jurisdictions." I think if you are to look at Secretary Shalala's reticence with regards to this, it may have something to do with the Federal Drug Administration's concerns about the safety of the sources and supplies of such drugs. So it's now going to fall to Tommy Thompson, the current Secretary, to deal with this matter if he so chooses. I would be supportive of this once we have the go ahead from the Federal authorities. I said at the outset that I thought this was premature. I continue to think it is premature and I'd ask you to vote against it. Thank you very much.

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

Senator **MARTIN:** Mr. President, I just need to comment in reference to the comments by the good Senator from Cumberland, Senator Turner. The reason why foreign is in there

as opposed to Canada is a drafting issue in terms of discrimination. I, for one, would have much preferred putting in Canada but was told that that was improper and obviously I am not opening this up to Lithuania, Russia, or any other country. The purpose, of course, is Canada.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President and colleagues in the Senate. Lastly, Maine's been leading the nation in terms of doing everything we can to lower the cost of prescription drugs and increase access at a more affordable price. Here's another opportunity. In the wonderful words of my mother, nothing ventured, nothing gained. Let's venture. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Waldo, Senator Longley to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#57)

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

NAYS: Senators: KNEELAND, SAVAGE, SHOREY, SMALL, TURNER, WOODCOCK

ABSENT: Senators: ABROMSON, DAGGETT

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-383) **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-383)**, in concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison

S.P. 311 L.D. 1058
(C "A" S-179)

Tabled - May 15, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **FURTHER CONSIDERATION**

(In Senate, May 14, 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" (S-179).**)

(In House, May 15, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

President Pro Tem **BENNETT** of Oxford moved the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#58)

YEAS: Senators: **BENNETT, CARPENTER, DAVIS, FERGUSON, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MCALEVEY, MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD**

NAYS: Senators: **BROMLEY, CATHCART, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, MARTIN, RAND, ROTUNDO, TREAT**

ABSENT: Senators: **ABROMSON, DAGGETT**

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, the motion by President Pro Tem **BENNETT** of Oxford to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE, PREVAILED.**

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 **JUDICIARY** on Bill "An Act to Amend the State Autopsy Law"

S.P. 30 L.D. 128

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-202).**

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

Reports **READ.**

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **O'GARA** for the Committee on **TRANSPORTATION** on Bill "An Act to Increase the Maine Turnpike Authority Bond Limit" S.P. 409 L.D. 1353

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

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

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

ORDERS OF THE DAY

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

An Act to Provide Notice of Termination Status
H.P. 187 L.D. 198
(C "A" H-172)

Tabled - May 15, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172)**, in concurrence.)

(In House, May 14, 2001, **PASSED TO BE ENACTED.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#59)

YEAS: Senators: BROMLEY, CATHCART, DOUGLASS, EDMONDS, GAGNON, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senators: ABROMSON, DAGGETT

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions
H.P. 119 L.D. 123

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-169)** (5 members)

Tabled - May 15, 2001, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In House, May 14, 2001, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED.**)

(In Senate, May 15, 2001, Reports **READ.**)

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

Senate at Ease.

Senate called to order by the President.

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

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Wednesday, May 16, 2001, at 9:00 in the morning.