

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twentieth Legislature  
State of Maine

Volume 1

First Regular Session  
December 6, 2000 to May 23, 2001

Pages 1 - 911

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

In Senate Chamber  
Wednesday  
May 16, 2001

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

Prayer by Reverend Glenn Palmer of the Nativity Lutheran Church in Rockland.

**REVEREND PALMER:** Let's bow our heads in prayer. Gracious Lord, in the season of life, in the midst of busied and hurried lives and schedules, we ask for a moment and a time of calm, of grace, of being centered in Your mercy and Your compassion and Your strength. We ask that You be with these people as they look beyond themselves to serve their neighbor and that they serve with intelligence, with strength, with wisdom, and compassion. We ask that You bless them and keep them in this great State of Maine. Now and always. Amen.

Doctor of the day, Robert Crosswell, M.D. of Waterville.

Reading of the Journal of Tuesday, May 15, 2001.

Off Record Remarks

**SENATE PAPERS**

Bill "An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State" S.P. 622 L.D. 1804

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of Bates College" S.P. 623 L.D. 1805

Sponsored by Senator ROTUNDO of Androscoggin. Cosponsored by Representative O'BRIEN of Lewiston and Senators: DAVIS of Piscataquis, DOUGLASS of Androscoggin, MILLS of Somerset, Representatives: BOUFFARD of Lewiston, BUMPS of China, MAILHOT of Lewiston, MENDROS of Lewiston. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Legalize Hemp for Agricultural Purposes"

H.P. 882 L.D. 1174

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

Signed:

Senators:  
KNEELAND of Aroostook  
NUTTING of Androscoggin  
KILKELLY of Lincoln

Representatives:  
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 to Pass as Amended by Committee Amendment "A" (H-310)**.

Signed:

Representatives:  
McKEE of Wayne  
VOLENIK of Brooklin  
HAWES of Standish  
LUNDEEN of Mars Hill  
PINEAU of Jay

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310)**.

Reports **READ**.

Senator **KNEELAND** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **KNEELAND** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Discourage Environmental Terrorism" H.P. 623 L.D. 823

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

Signed:

Senator:  
McALEVEY of York

Representatives:  
POVICH of Ellsworth  
O'BRIEN of Lewiston  
QUINT of Portland  
PEAVEY of Woolwich  
GERZOFKY of Brunswick  
MITCHELL of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-273)**.

Signed:

Senators:  
O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:  
BLANCHETTE of Bangor  
TOBIN of Dexter  
SNOWE-MELLO of Poland  
WHEELER of Bridgewater

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

Reports **READ**.

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

**Divided Report**

12 members of the Committees on **INLAND FISHERIES AND WILDLIFE** and **MARINE RESOURCES** on Bill "An Act to Restore the Passage of Alewives on the St. Croix River" (EMERGENCY) H.P. 287 L.D. 365

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senator:  
WOODCOCK of Franklin

Representatives:  
TRAHAN of Waldoboro  
CLARK of Millinocket  
PERKINS of Penobscot  
TRACY of Rome  
McGLOCKLIN of Embden  
BRYANT of Dixfield  
CHICK of Lebanon  
VOLENIK of Brooklin  
PINKHAM of Lamoine  
McNEIL of Rockland  
ASH of Belfast

11 members of the same Committees on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-433)**.

Signed:

Senator:  
CARPENTER of York  
LEMONT of York  
EDMONDS of Cumberland  
PENDLETON of Cumberland

Representatives:  
DUNLAP of Old Town  
LEMOINE of Old Orchard Beach  
USHER of Westbrook  
HONEY of Boothbay  
MUSE of Fryeburg  
SULLIVAN of Biddeford  
BULL of Freeport

1 member of the same Committees on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-434)**.

Signed:

Senator:  
KILLKELLY of Lincoln

Comes from the House with Report "A", **OUGHT NOT TO PASS READ** and **ACCEPTED**.

Reports **READ**.

Senator **CARPENTER** of York moved the Senate **ACCEPT** Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-433), in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-433), in **NON-CONCURRENCE**.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities

H.P. 52 L.D. 61

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

Signed:

Senators:

PENDLETON of Cumberland  
ROTUNDO of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-288).

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

HATCH of Skowhegan  
KASPRZAK of Newport  
CHASE of Levant  
HASKELL of Milford

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

Reports **READ**.

Senator **ROTUNDO** 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.

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**Senate**

**Ought to Pass As Amended**

Senator **SHOREY** for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Improve the Licensing and Regulation of Denturists"

S.P. 520 L.D. 1639

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (S-204).

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

**READ ONCE**.

Committee Amendment "A" (S-204) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-204).

Sent down for concurrence.

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Senator **MARTIN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Inconsistent Regulatory Requirements Affecting Newly Constructed Nursing Facilities and to Further Support a Continuum of Quality Long-term Care Services"

S.P. 457 L.D. 1510

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (S-206).

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

**READ ONCE**.

Committee Amendment "A" (S-206) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-206).

Sent down for concurrence.

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Senator **O'GARA** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Create the Crime of Aggravated Endangering the Welfare of a Child"

S.P. 588 L.D. 1764

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-203)**.

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

**READ ONCE**.

Committee Amendment "A" (S-203) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203)**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors"

S.P. 351 L.D. 1165

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-205)**.

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 Not to Pass**.

Signed:

Representatives:

KASPRZAK of Newport  
CRESSEY of Baldwin

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-205) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205)**.

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Resolve**

Resolve, to Establish the Commission to Study Employee Ownership Options for Maine Businesses

H.P. 767 L.D. 986  
(C "A" H-223)

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

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**Act**

An Act to Manage the Sea Urchin Fishery

S.P. 299 L.D. 1010  
(C "A" S-125)

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

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (5/15/01) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Enhance Storage of Fish and Wildlife"

H.P. 881 L.D. 1173

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-421)** (4 members)

Tabled - May 15, 2001, by Senator **CARPENTER** of York

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**.)

On motion by Senator **CARPENTER** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following matter Tabled pending a Ruling of the Chair:

Bill "An Act to Allow a Legislator to Opt Out of the Partisan Staff System"

H.P. 1076 L.D. 1445

Tabled - May 3, 2001

Pending - **RULING OF THE CHAIR**

(In House, May 1, 2001, **RULED NOT PROPERLY BEFORE THE BODY**.)

(In Senate, May 3, 2001, motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** Bill and accompanying papers **WITHDRAWN**.)

**THE CHAIR MADE THE FOLLOWING RULING:**

"L.D. 1445, 'An Act to Allow Legislators to Opt Out of the Partisan Staff System,' is a proposed bill that originated in the House of Representatives. When brought to the House floor for reference, the Chair ruled that the bill was not properly before the House. The bill was then sent to the Senate for action. When the bill was placed before the Senate, Senator Martin questioned whether the bill was properly before the Senate.

There are two ways in which legislation may be brought to the Senate floor. First, a bill can be sponsored by a Senator in accordance to the rules. Second, a bill can be sponsored by a member of the House and properly acted upon by the House. In the latter case, the Senate, as a co-equal body, is obligated to consider the bill unless the bill, in some way, violates Senate or Joint Rules. In the present case, L.D. 1445 was never acted upon by the House. The House of Representatives took no action on the bill. The Speaker ruled that it could not be acted upon by the House. As a consequence, this paper cannot be considered by the Senate and should have been sent by the House to the Legislative Files with notification of their action sent to the Secretary to be placed on the Senate calendar. The Secretary is instructed to send these papers to the Legislative files and inform the House of our actions by a separate communication."

The Chair **RULED THE BILL NOT PROPERLY BEFORE THE BODY**.

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Off Record Remarks

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

Bill "An Act to Allow Municipalities to Lower Certain Speed Limits"

H.P. 503 L.D. 643  
(C "A" H-357)

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-357)**, in concurrence.)

(In House, May 14, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357) AS AMENDED BY HOUSE AMENDMENT "A" (H-400)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **SAVAGE** of Knox, the Senate **RECEDED** and **CONCURRED**.

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

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Senate at Ease.

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers"

H.P. 981 L.D. 1305

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

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

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

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Membership of the Substance Abuse Services Commission"

H.P. 1054 L.D. 1417

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

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

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

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Allow Access to Highways for Certain Purposes"

H.P. 544 L.D. 699

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

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

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

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

---

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding School Funding Based on Essential Programs and Services"

H.P. 1284 L.D. 1747

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-457).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-457).

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

**READ ONCE**.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

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Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-457), in concurrence.

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The Committee on **MARINE RESOURCES** on Bill "An Act to Eliminate the Tax on Mahogany Quahogs"

H.P. 838 L.D. 1110

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-463).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-463).

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

**READ ONCE**.

Committee Amendment "A" (H-463) **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-463), in concurrence.

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The Committee on **TRANSPORTATION** on Bill "An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law" (EMERGENCY)

H.P. 1204 L.D. 1626

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-470).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-470).

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

**READ ONCE**.

Committee Amendment "A" (H-470) **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-470)**, in concurrence.

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

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

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

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Senate at Ease.

Senate called to order by the President.

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

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers"

H.P. 768 L.D. 987

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-466)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**.

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

**READ ONCE.**

Committee Amendment "A" (H-466) **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-466)**, in concurrence.

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The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Finance Authority of Maine Act"

H.P. 1259 L.D. 1694

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-467)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

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

**READ ONCE.**

Committee Amendment "A" (H-467) **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-467)**, in concurrence.

---

The Committee on **CRIMINAL JUSTICE** on Bill "An Act Concerning the Transportation of Juvenile Offenders"

H.P. 271 L.D. 349

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-455)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)**.

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

**READ ONCE.**

Committee Amendment "A" (H-455) **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-455)**, in concurrence.

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

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Maine Arborist Licensing Laws"

H.P. 899 L.D. 1191

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-458)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458)**.

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

**READ ONCE.**

Committee Amendment "A" (H-458) **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-458)**, in concurrence.

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The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants"

H.P. 952 L.D. 1266

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-449)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449)**.

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

**READ ONCE.**

Committee Amendment "A" (H-449) **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-449)**, in concurrence.

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Allow the Purchase of Rabies Vaccine by Livestock Farmers"

H.P. 1063 L.D. 1426

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-450)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**.

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

**READ ONCE.**

Committee Amendment "A" (H-450) **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-450)**, in concurrence.

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass  
Pursuant to Joint Order**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing the Department of Defense, Veterans and Emergency Management to Accept Land for a Veterans' Cemetery in Southern Maine

H.P. 1348 L.D. 1803

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1292).

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

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

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

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags" (EMERGENCY)

H.P. 1351 L.D. 1808

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1340).

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

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass  
Pursuant to Joint Order**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994

H.P. 1350 L.D. 1807

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1246).

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

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

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

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**Ought to Pass**

The Committee on **CRIMINAL JUSTICE** on Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees

H.P. 856 L.D. 1128

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

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

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

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

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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 **TRANSPORTATION** on Bill "An Act Relating to Restricted Licenses for Certain Drivers"

H.P. 1087 L.D. 1456

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-409)** (7 members)

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

In House, 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" (H-409)**.

In Senate, May 15, 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 **SAVAGE** of Knox, the Senate **ADHERED**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Ensure Access to Health Insurance"

H.P. 1256 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370)**.

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

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

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

Signed:

Representatives:

MICHAEL of Auburn  
GLYNN of South Portland

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-370)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-370) **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-370)**, 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 **LABOR** on Bill "An Act to Allow Maine Technical College System Faculty and Administrative Units to Participate in a Defined Contribution Plan"

H.P. 930 L.D. 1244

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

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township  
CRESSEY of Baldwin  
MacDOUGALL of North Berwick  
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**.

Signed:

Representatives:

MATTHEWS of Winslow  
DAVIS of Falmouth

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.

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 **JUDICIARY** on Bill "An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation"

H.P. 76 L.D. 85

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" (H-462)**.

Signed:

Representatives:

WATERHOUSE of Bridgton  
SHERMAN of Hodgdon  
MENDROS of Lewiston

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Further Reduce Mercury Emissions from Consumer Products"

H.P. 1224 L.D. 1665

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-417)**.

Signed:

Senators:

MARTIN of Aroostook  
SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft  
BAKER of Bangor  
KOFFMAN of Bar Harbor  
COWGER of Hallowell  
DUPLESSIE of Westbrook  
TWOMEY of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-418)**.

Signed:

Representatives:

TOBIN of Windham  
CLARK of Millinocket  
DAIGLE of Arundel  
CRABTREE of Hope

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AND HOUSE AMENDMENT "A" (H-471)**.

Reports **READ**.

On motion by Senator **TREAT** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-417) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-471) **READ**.

On motion by same Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-471), in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"  
H.P. 409 L.D. 530

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

Signed:

Senators:

KNEELAND of Aroostook  
NUTTING of Androscoggin  
KILKELLY of Lincoln

Representatives:

LANDRY of Patten  
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 to Pass as Amended by Committee Amendment "A" (H-459).**

Signed:

Representatives:

McKEE of Wayne  
VOLENIK of Brooklin  
HAWES of Standish

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act Relating to Personal Privacy and Governmental Information Practices"

H.P. 1234 L.D. 1681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461).**

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

MENDROS of Lewiston

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

Signed:

Representatives:

WATERHOUSE of Bridgton  
SHERMAN of Hodgdon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461).**

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-461) **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-461)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass  
Pursuant to Joint Order**

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Certain Boards and Commissions"

H.P. 1349 L.D. 1806

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1208).

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

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

On motion by Senator **NUTTING** of Androscoggin, the Senate **RECONSIDERED** whereby it **ACCEPTED** the **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committees on **UTILITIES AND ENERGY** and **JUDICIARY** on Bill "An Act to Revise the Sewer Lien Laws" H.P. 381 L.D. 483

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-460)**.

Signed:

Senators:

FERGUSON of Oxford  
TREAT of Kennebec  
CARPENTER of York  
RAND of Cumberland  
McALEVEY of York

Representatives:

SAVAGE of Buxton  
RINES of Wiscasset  
CRABTREE of Hope  
PERKINS of Penobscot  
McGLOCKLIN of Embden  
DUNCAN of Presque Isle  
BLISS of South Portland  
HALL of Bristol  
BERRY of Belmont  
LaVERDIERE of Wilton  
BULL of Freeport  
JACOBS of Turner  
MITCHELL of Vassalboro  
MUSE of South Portland  
SIMPSON of Auburn  
MADORE of Augusta  
WATERHOUSE of Bridgton  
SHERMAN of Hodgdon  
MENDROS of Lewiston

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

Signed:

Representative:

GOODWIN of Pembroke

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-460)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-460) **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-460)**, in concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/15/01) Assigned matter:

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

Tabled - May 15, 2001, by Senator **McALEVEY** of York

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**, in concurrence

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

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

(In Senate, May 15, 2001, on motion by Senator **McALEVEY** of York, **RULES SUSPENDED, RECONSIDERED ENACTMENT. RULES SUSPENDED, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-159), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-207) to Committee Amendment "A" (H-159) **READ**.

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

Senator **MCALVEY:** Thank you, Mr. President, ladies and gentlemen of the Senate. This is more of a correction. The bill came out of committee and somehow it came out without a fiscal note. Rather than sending the bill back to committee and re-work it, I offer the fiscal note to this matter. Thank you very much.

On motion by Senator **MCALVEY** of York, Senate Amendment "A" (S-207) to Committee Amendment "A" (H-159) **ADOPTED.**

Committee Amendment "A" (H-159) as Amended by Senate Amendment "A" (S-207) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159) AS AMENDED BY SENATE AMENDMENT "A" (S-207) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

**HOUSE REPORTS - from the Committees on INLAND FISHERIES AND WILDLIFE and MARINE RESOURCES on Bill "An Act to Restore the Passage of Alewives on the St. Croix River" (EMERGENCY)**

H.P. 287 L.D. 365

Report "A" - **Ought Not to Pass.** (12 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (H-433)** (11 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-434)** (1 member)

Tabled - May 16, 2001, by Senator **CARPENTER** of York

Pending - motion by same Senator to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)**, in **NON-CONCURRENCE**

(In House, May 15, 2001, Report "A", **OUGHT NOT TO PASS READ and ACCEPTED.**)

(In Senate, May 16, 2001, Reports **READ.**)

The Chair ordered a Division.

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

Senator **WOODCOCK:** Thank you, Mr. President, ladies and gentlemen of the Senate. Never in the field of human conflict has such a small fish meant so much to so many. The United States government, the government of Canada, the State of Maine, the Passamaquoddy Nation, the Department of Inland Fisheries and

Wildlife, the Department of Marine Resources, Maine Guides, the residents of Washington County, and the St. Croix Watershed Commission are interested in the tiny gaspereau or alewife. Why? It's food for thought. It's food for lobster. It's danger for the St. Croix. Some contend this would be a restoration. Numerous sources, several from state biologists, assert that few alewives existed above Salmon Falls prior to human intervention in the form of dams or the blasting of log jams, both of which altered the river's flow. The French explorer, Samuel de Champlain, in the early 17<sup>th</sup> century, made no mention of gaspereau in his legendary detailed notes. The Passamaquoddy elder, Lola Sockabasin, said this about alewives, and I quote, "I turned 90 and have fished and guided Big Lake, Long Lake, and Lily Lake all my life. In my 90 years, I never saw one alewife in any of these waters and neither did my father. I don't want to see one now, either."

The St. Croix drainage is an area of over 1,500 square miles with over 100 lakes and ponds. One suggestion from the state was to significantly reduce alewife passage, if there is, and I quote, "a significant adverse impact on upstream ecosystems." Sound biology. Do you realize how long it would take to reverse 1,500 square miles if there is a significant adverse impact? A state biologist who has studied this ecosystem for years, when posed the question as to whether or not this proposal is sound biology responded, and I quote, "I would, in a perfect world, recommend the status quo." A state fish pathologist, with a doctorate in the field, has documented the presence of VEN, Viral Erythrocytic Necrosis, in alewives in the east branch of the St. Croix, present due to the fishway at Milltown. This virus is the AIDS virus of fish. It weakens the immune system. This disease is communicable to Rainbow Smelt and Landlocked Salmon, the prize of the fishery.

You will hear arguments today saying that the alewife is necessary to the food chain. In the 10 years since fish screens have been placed at the Woodland Dam and the Grand Falls Dam, the number of nesting pairs of Bald Eagles has increased from 127 in 1990 to 234 in 2000. This watershed hosts over two-thirds of Maine's eagle population. The ecosystem is solvent. It does not need an experiment.

Each female alewife lays up to 30,000 eggs. The proposal is to allow 90,000 alewives to run above the dam. Let's be conservative and say 50% are female. That's 1,350,000,000 eggs. I know to some that sounds like a tax cut, but it is, in reality, danger for the St. Croix. Goodbye trout, goodbye salmon, goodbye bass, goodbye St. Croix. Twenty-one residents of Washington County testified in opposition to this proposal. Among those residents were 2 members of the other body and the honorable Senator from Washington, Senator Shorey. Such a little fish, so much at stake. I would ask you to oppose the introduction of alewives to the St. Croix. Thank you, Mr. President.

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

Senator **LEMONT:** Thank you, Mr. President, ladies and gentlemen of the Senate. What we're talking about today is the re-introduction of alewives into the St. Croix Watershed to allow them to, once again, swim the fishways and to spawn.

How did we get to this point? In 1995, there was a bill in the Maine House to fund the fishways up there and there was floor a amendment attached to it that actually restricted the fishways from allowing alewives to swim the St. Croix Watershed. We, on



the Marine Resources Committee, had an outstanding opportunity to work this bill. As you all know, this bill was jointly referred to the Inland Fisheries and Wildlife Committee and the Marine Resources Committee. We, as the Marine Resources Committee, initially worked this bill independently of the Inland Fisheries and Wildlife Committee.

When we had our first work session on this, I invited the biologist from the Department of Marine Resources and the biologist from the Inland Fisheries and Wildlife Department to speak to the committee. Their first charge, the first question asked of them, was please explain to us how this introduction of alewife in the St. Croix River could be a detriment, could be a detriment to the ecosystem. Neither one could come up with a reason why this would be a detriment. In fact, it was just the opposite. Both of them spoke on the virtues of re-introduction of alewife to the St. Croix Watershed. I'd like to share with you today some of the positives that they brought up.

Number 1, the alewife is on the bottom of the food chain. It is critical to the fresh and salt water ecosystems. It is a highly valued bait fish for the many lobstermen up and down the coast. It provides income to 35 coastal communities. In fact, one community funds their school budget with the alewife run. It's a food source for not only fish, the White Perch, the Landlock Salmon, the Small Mouth Bass, to name a few, but for birds, the eagles and loons, and also mammals, minks and otters.

Under this proposal, they will be excluded from Spudneck Lake, the only area where we have seen some potential harm to the Small Mouth Bass fishery. There are over 90 lakes and ponds in Maine where the native alewife is allowed to run. They have co-existed with fresh water species since the colonial periods. Alewives do not cause decline. The fresh water stocks in some areas actually increase. What we're talking about is to introduce 4 alewives per acre. They have studied this for 10 years, the fishing agencies of the State of Maine, not only Canada and Maine, but the Department of Marine Resources and the Inland Fisheries and Wildlife Department and the Department of Environmental Protection. They made a recommendation of 6 alewives per acres. This legislation allows 4 alewives per acres. A 67% decrease. I might also add that if we do allow the alewives once again to run the St. Croix River, they are only talking about possibly 10,000 to 15,000 fish in the first run. Also I'd like to address the concern that my colleague brought up about VEN. There is no documentation, whatsoever, that alewives transmit this disease to other fish.

I've heard my colleagues talk about this fish as a trash fish. It is certainly not a trash fish. It is very economically important to the State of Maine. I've heard them talk about it being a piranha that's going to swim our rivers and eat everything in sight. Ninety percent of the alewives diet is zooplankton. You will find less than 2/10 of 1% of fish in the stomach of an alewife. This bill, in my opinion, has safeguards in it. It's a very modest compromise. It has mandatory reporting to this legislature. This legislation has the ability to close these fishways if there is any detriment whatsoever observed. Several organizations have signed off on this legislation. Some of them are the U.S. Fish and Wildlife Service, the Canadian Department of Fish and Oceans, the Inland Fisheries and Wildlife Department, the Department of Marine Resources, and the State of Maine Atlantic Salmon Commission. We have a memorandum of understanding. Everyone has taken a look at this. Everyone realizes that this is the safe and right thing to do. Thank you, Mr. President.

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

Senator **WOODCOCK:** Thank you, Mr. President, ladies and gentlemen of the Senate. There in lies the tale, with all due respect to my honorable colleague, the Senator from York, Senator Lemont. There is contradictory data. There is contradictory information. Yes, alewives do feed on zooplankton. But for an example, zooplankton also is a primary food source for Rainbow Smelt, which is the primary food source for Landlock Salmon. Yes, the agencies have supported the introduction. The residents of Washington County, however, heaven forbid, oppose the introduction. This is an issue of local concern.

Now, we have before you today contradictory information. That is what I ask you to consider. We do not have scientific data that can be reputed or accepted that alewives existed in the St. Croix Watershed historically. For some, it is an introduction. For others, it is a re-introduction. For some, they pose no problems. For some, they pose a significant problem. I ask you to consider this, is it worth the risk to the fishery of the St. Croix Watershed to introduce alewives without significant data? If you chose to study over a 2 year period significant data with an introduction, what risks do we have for the fishery during that 2 year span? Thank you very much, 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 guess you can see why it's pretty well divided, right down the middle. Different people have different ideas.

I'm just going to give you a timetable that has happened since 1600. They say there were no alewives then. Well Champlain wrote 'alewives by huge numbers' in a 1887 report of alewives in great numbers in the lakes among the tributaries of the St. Croix River, Atkins. In a 1963 report of alewives once ascending the unobstructed river to nearly its headwaters, Harvey. In September 1963, the Department of Inland Fisheries and Wildlife entered a federal aide project. They agreed with the United States Fish and Wildlife Service to construct fishways at Woodland Dam and the Grand Falls Dam to help restore runs of Atlantic Salmon, alewives, and American Shad. The federal share of the project was \$200,000 and our cost was about equal. On May 1, 1995, the Maine Legislature passed a bill prohibiting passage of alewives at the Woodland Dam and the Grand Falls Dam. In February 2000, a letter from the United States Fish and Wildlife Service informing the commissioner of the Department of Inland Fisheries and Wildlife that prohibiting the passage of alewives at the Woodland Dam and Grand Falls Dam was at odds with the purpose of the fishway project. May 25, 2000, the Commissioner of Inland Fisheries and Wildlife sent a letter to the United States Fish and Wildlife Service stating that the department had worked with the Department of Marine Resources and the St. Croix Fisheries to develop a management plan that would allow the release of 4 alewives per acre at the Woodland and Grand Falls Dams and would be implemented after the legislature enacted enabling legislation during the first session of the 120<sup>th</sup> Legislature. On June 29, 2000, the Fish and Wildlife Service approves the plan to release a limited number of alewives at the Grand Falls and Woodland Dams and warned that, if the legislature does not enact legislation to allow this release prior to 2001 migration, the federal government will be

forced to recover federal funding previously provided. April 2, 2001, the United States Fish and Wildlife Service sent a letter to the Joint Standing Committee on Inland Fisheries and Wildlife stating that failure to allow the passage of alewives at a level of at least 4 per acres constitutes a diversion of federal aid funds and would put the Department of Inland Fisheries and Wildlife at risk of being declared ineligible to participate in Sport Fish Restoration Programs, which provides Inland Fisheries and Wildlife approximately \$2 million in funding annually. The service is willing to entertain a research proposal to determine the impact of 4 alewives per acre and to review the findings to evaluate what, if any, changes in management are suggested by the scientific data.

I know that was a lot of boring reading, I don't normally do that, but it had to be done. I just want to say that the feds didn't come after us. I actually had a letter sent to them. I wanted to find out just what the impact was and I think you have a right to know that it's substantial. This part of what we're speaking on now, Report "B", does exactly that. It's a report that will allow them to run at the rate of 4 per acre. I do want to tell you that it's certainly possible to count the numbers in the fishway electronically, we don't have to employ counters. I hope you support Report "B" to this bill. Thank you.

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

Senator **WOODCOCK:** I ask permission to speak a third time, Mr. President.

**THE PRESIDENT:** The Senator from Franklin, Senator Woodcock, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **WOODCOCK:** Thank you, Mr. President, ladies and gentlemen of the Senate. It is true. The federal government has threatened taking back monies from the dam construction. This, I would remind you, is the same federal government who managed the Atlantic Salmon in Maine so nicely. The federal government wording on this dam construction is to restore an alewife run. The contention is there is no restoration of an alewife run and we'd be prepared to counter that in court if necessary. On the handout that you received today, I've given you a partial picture of an alewife. The alewife is a member of the herring family. I would ask you to look it in the eye. This bill is a red herring. Say no.

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

Senator **MILLS:** Mr. President and men and women of the Senate. I'm from Somerset. We're several dams up the Kennebec from the open ocean. But I did have some questions to pose through the chair, if I may. One or two. If I may be given permission to do so.

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

Senator **MILLS:** One of the most difficult words I've encountered lately is, and I'm going to blow it, 'anadromous'. My first question is how to pronounce the word. The second question is, and I haven't looked it up, doesn't anadromous mean that it's the kind

of fish that's only visiting? That is, once you let them up the river, they stay awhile, lay lots of eggs, most of which get eaten by something else that must be grateful for the food, and then the young, those that survive, by instinct, leave. The question is, wouldn't it be fair to say that, of these 4 per acre that go up the fish ladder, all of them, within a certain span of time, and the fish that they produce while they're up there will eventually go back down the ladder and leave? If at some point we make the decision that this was an error to have let them up there in the first place, all we need to do is lock the gate again and make sure they don't come back. Isn't that a fair assessment of how these fish behave and the consequences of this rather tentative decision that lies before us? Thank you, Mr. President.

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Lemont.

Senator **LEMONT:** Thank you, Mr. President, ladies and gentlemen of the Senate. I'd like to briefly answer the good Senator from Somerset, Senator Mills', questions. Most all of your answers are yes. They arrive in early spring. They spawn and the small alewives grow to be 1 ½ to 5 inches. They leave in late summer or early fall.

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

Senator **WOODCOCK:** In responding to the good Senator's questions, most of the answers are maybe. The alewife does grow to several inches while it stays in the fresh water watershed. Therein is the problem. Consuming zooplankton, consuming species other than alewives. It is a competitive watershed. We do not need an introduction of a more competitive species. Thank you, Mr. President.

The Chair ordered a Division.

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

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

Senator **SHOREY:** My apologies to the men and women of the Senate for being here tardy. This is a very important issue to me. I appreciate the opportunity to speak on this. This affects the people of my district. This affects the livelihood of the people of my district. I don't know what debate you've heard thus far, but I can share with you what I've heard from the guides, from the people who are concerned, from the people that believe that if we go ahead and allow the alewives up the St. Croix River and into the lakes that we would be making a drastic mistake. Yes, perhaps we could look back and say we shouldn't have done it, but by then it may be too late. I would ask you to defeat any motion which would even consider allowing these fish up into the lakes. Again, I don't know what you've heard for testimony thus far, but I can tell you the testimony I've heard after attending the hearings, after speaking with the people that it is going to effect. The people in my district, this isn't anywhere else, these are the people that live in my backyard. I live on the St. Croix River. I

would ask you to vote with me to defeat this and give us an opportunity to live the way we want to live and not have the Salmon listing come in on us, not have our mills closed, and not have another blow to our area. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Carpenter to Accept Report "B", Ought to Pass as Amended by Committee Amendment "A" (H-433). A Roll Call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Cumberland, Senator **PENDLETON** and the Senator from Aroostook, Senator **MARTIN** and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#60)**

**YEAS:** Senators: **ABROMSON, BROMLEY, CARPENTER, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, LEMONT, MILLS, O'GARA, RAND, ROTUNDO, SAVAGE, SMALL, TREAT, TURNER**

**NAYS:** Senators: **BENNETT, CATHCART, DAVIS, KILKELLY, LONGLEY, MCALEVEY, MITCHELL, NUTTING, SAWYER, SHOREY, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD**

**EXCUSED:** Senators: **MARTIN, PENDLETON**

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARPENTER** of York to **ACCEPT Report "B", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433), in NON-CONCURRENCE, PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-433) **READ and ADOPTED, in NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433), in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

**HOUSE REPORTS - from the Committee on CRIMINAL JUSTICE on Bill "An Act to Discourage Environmental Terrorism" H.P. 623 L.D. 823**

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

**Minority - Ought to Pass as Amended by Committee Amendment "A" (H-273) (6 members)**

Tabled - May 16, 2001, by Senator **TREAT** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 15, 2001, Reports **READ** and Bill and accompany papers **INDEFINITELY POSTPONED.**)

(In Senate, May 16, 2001, Reports **READ.**)

Senator **O'GARA** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE.**

**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 urge you to vote against the pending motion so that we can go on to accept the Majority Ought Not to Pass report. This bill seeks to correct a problem which we already have numerous statutes on the books, already there, waiting to be used if a problem exists. I know that my co-counsel in this matter, the Senator from Somerset, Senator Mills, has actually done a quick search and the list he gave me has more than a dozen different statutes that already exist, including criminal terrorizing, criminal trespass, failure to disperse, riot, unlawful assembly, and you name it. We also have a very specific law on the books relating to the spiking of trees, which was enacted back in 1991. My concern with this bill is that it really seeks to categorize a way of thinking as a crime. The behavior in this bill, if it is indeed violent behavior that hurts property or that hurts a person, is behavior we already have laws to deal with it. The way this bill is written, however, is that if you're thinking environmental thoughts at the time that you engage in this behavior, then you are now subject to a separate crime of environmental terrorism. Now I think this raises some very serious First Amendment issues. For example, if you do the same behavior and you're thinking thoughts about the labor practices of some business, than you are not subject to this law. If you are doing this behavior because you simply don't like the person, than you are not subject to this law. I think that it is liable to be interpreted in ways that would potentially chill the engaging of legitimate political protest. If it was intended to be very narrowly drafted to address a real problem, it wouldn't be written the way it is here. I think this is something that really does tend to say to the public

that environmentalists are terrorists, and as a life-long environmentalist who has engaged in peaceful political activity my whole life, I certainly don't want myself or anyone else with those views to be lumped into this category. We don't have a similar crime for politically related activity in any other area that I'm aware of. I think this bill is unnecessary. It poses constitutional issues and is simply poor public policy and sends the wrong message in this state. I urge you to vote against the pending motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator O'Gara.

**Senator O'GARA:** Thank you, Mr. President, ladies and gentlemen of the Senate. One of the lists that you have on your desk was just referred to by the Senator from Kennebec, Senator Treat. If you look at some of the crimes that are on there that seem to fall into the bill that you have here, they are in the D, E, or C category. One of them is a C, but most of them are below what we are trying to do in this bill, which is to create a new crime of environmental terrorizing, which would be a Class C crime. Ladies and gentlemen of the Senate, you have the bill in one of the books in front of you. I asked in our caucus if each member would get it out. It's L.D. 823. I would just like to emphasize before I mention a couple of incidents and tell you why I'm supporting the report. 'A person is guilty of environmental terrorizing if that person commits a crime of violence dangerous to human life or destructive to property or business practices for the primary purpose of protesting the practices of a person or a business.' We have another list on our desks too of all kinds of other forms of protests. If a person protests Maine salmon farms, or the use of Agent Orange, clear cutting, on and on. Two cycle engines, cow disease, over fishing and dredging. This bill is not aimed at protesting those kinds of things in the normal sense that you and I know of as protesting. We've had them here. We've had them in our halls. We've had to walk through protesters. Nobody put in a bill to prevent people from gathering in the halls so that we would not have our route to the bathroom blocked. Nobody moved to pass a new law to prevent people from protesting outside on the grounds of this building or when they created the tent city a few years ago over in the park. That's not what this bill is about. This is not a bill about hugging a tree or forming a human chain to block a road going into a lumber yard. This is a bill about a group of people who carried a sledge hammer or maul, whatever you want to call it, with a whole bucket, bag or box of spikes and deliberately drove them into a tree knowing, full well, that someone putting a saw to that tree or if the tree got cut down and went to a sawmill, somebody was going to be hurt and they didn't care. They weren't out bird watching in those woods and happened to find, accidentally, a sledge hammer laying on the ground with some spikes and said 'I've got nothing better to do, I think I'll do this.' They took them with them. It was a deliberate act of violence. We have many cases that were presented before the Criminal Justice Committee of people who just work for a lumber company or a paper mill and their property was vandalized and their vehicles were vandalized and scrawled on and painted on. Worst of all, the message on some said 'we'll be back.' Now that's terrorism. A terrorist is someone who puts terror into your mind. The worker's wife or children, who had nothing to do with it whatsoever, are terrorized. Now we can continue to talk about the fact that we have laws on the book. I submit to you that I'm not a lawyer. I submit to you that all we're doing now is slapping them on the wrist. This is

growing nation wide, it isn't just here in Maine. We didn't hear just from lumber companies. We heard from the blueberry industry. We heard from fishing people. We heard from all kinds of people who are seeing more and more acts of violence against their industries under the cloak of environmental protest. I submit to you, ladies and gentlemen of the Senate, it has gone beyond the mask, the cloak, of environmental protest. I'm not talking about preventing anybody from speaking or demonstrating to make their point on an issue, whether it's chlorine or alewives or pollution in the air or whatever. They have a perfect right to do that and I would defend that as I would expect everyone of you in this body to do as well. We're not talking about that. Nobody who hugs a tree or forms a chain is going to be accused of environmental terrorism as Class C crime. Nobody who speaks out and forms a group out in the park or out on the lawn or anywhere else and speaks and uses their soapbox to push one of their ideas or thoughts or arguments or protest is going to be arrested and accused of a Class C crime because of this bill. They will have to commit an act that was clearly intended, without any regard to life, limb, property, financial well-being, or anything else, to cause serious bodily injury, damage, vandalism, etc. You're going to hear from people who are attorneys or who are listening to attorneys or who are listening to groups of people. Some of them are very good friends. I know a couple are right here in the chamber right now who are probably unhappy because I'm on their side on almost every issue. But I'm not on this one because they are wrong. They are wrong to suggest to you that this has somehow taken away their freedom of speech. Not by a long shot is this bill aimed at taking away the freedom of speech of anybody. Or the right to protest peacefully. I would challenge anyone in this chamber to tell me the kinds of acts that I've just described to you and many more that fit into your category of peaceful protest. Thank you, Mr. President.

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

**Senator GAGNON:** Thank you, Mr. President, men and women of the Senate. I think the difficulty I have with this bill is that is too broad and that it's too narrow. It's too broad in what it goes after in environmental terrorism in that it does not just talk about injury of persons but also damage to property. It is not just related to someone getting hurt, it can also be employed if there was damage to property. That's how broad it is. How narrow it is, we're not just going after terrorism, we're creating a new crime called environmental terrorism. Terrorism is the problem, if there is terrorism. If I'm driving to my camp up at Lake Moxie and the bridge that I have to pass at Baker Stream was cut because somebody wanted to somehow stop logging, then that's environmental terrorism if my children are hurt. If, on the other hand, it was just a random act of terrorism, not related to stopping logging but just because they don't like the bridge there because of whatever reason, then the crime is different if my children are hurt when we fall through that bridge. They would not be guilty of terrorism, it would be a different crime. There are crimes for those types of things. My concern is that we're creating this category that is unfair to other categories. Terrorism is unacceptable. Mr. McVeigh would not be guilty of environmental terrorism under this law. We have to be sure that we're interested in saying absolutely no terrorism in this state. If this bill were to increase the crime and the penalties for any type of terrorism or these actions, whether it's some type of malicious mischievous, trespassing, intent to do bodily harm, attempted

murder, that would be a different issue. We're creating a whole new category of environmental terrorism. I fear what it will end up doing is creating a category of people who somewhat consider themselves environmentalist. I'm not on the 100% scale but I'm on the maybe 70% scale. If there is some activity that goes on, they're in that category of environmental terrorists if they do protest in some way. Let's stand up and say no to terrorism and maybe let's have bills and maybe let's send the Criminal Justice Committee some efforts to increase the penalties. But if the bridge does fall out from under us as we're going to Moxie, let's not figure out whether or not the attempt was to stop logs from going across that bridge and make that a tougher penalty than if my kids were going across that bridge. Thank you, Mr. President.

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

**Senator DOUGLASS:** Mr. President, women and men of the Senate. I rise because this bill, while it does go after some who might legitimately be convicted of a felony, also would include those who, in other terms of the law, have committed nothing more than perhaps a criminal trespass. I want to explain that to you a little further. Under this bill, a person could be guilty of environmental terrorism if they commit a crime destructive to property or business. In fact, even if there is damage to property or there is an interruption to business or there is a loss of product. Now that is a very low threshold. I would ask you before you vote on this bill to take a look at it and look at the number of 'or's that are in that proposal. 'Or' means you only need one of them. So the result is that a person could be guilty of a felony simply because their act resulted in a loss of product or loss of revenue. So when Senator O'Gara passionately says that this will not effect someone who hugs a tree, I think that, in fact, he is wrong. This could embrace someone who hugs a tree when the company that's ready to cut that tree down is there and are delayed. I want to say that I, too, share the Senator from Cumberland, Senator O'Gara's, passionate belief that we need to be careful about personal injury and we should use our laws to go after folks who cause personal injury when they are trying to make statements about the environment. That's not right. But I do argue to you that certain modest crimes have been historically committed and whether it began with the Boston Tea Party and the throwing of tea over the sides, that's part of our history as a nation, it's part of our democracy. Yes, it is punishable but we ought to keep in mind what our laws do and the freedoms that we think are necessary to keep our democracy vibrant. This proposal does not stand in sync with our democratic principles as we have practiced them to this point in our history. I think it goes much too far in the direction of making what would otherwise be a simple criminal trespass a felony. That would be very dangerous for our society. I urge you to vote against the pending motion.

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

**Senator MCALEVEY:** Thank you, Mr. President, men and women of the Senate. I'm disturbed by some of the debate that I hear. I think you're missing the point and I'd like to try to refocus the dialogue. I'll try not to respond to what I've heard. We do have a glorious history of people protesting in this nation. Some of those protests lead to the death of people by being lynched from trees and things like that. That doesn't justify that glorious

history. The issue is this, the bill doesn't get to what I think the proponents want. With all due respect to the people who wrote it, it's not written well. I concur with the Senator from Kennebec, Senator Gagnon, it's too broad in one respect and it's too narrow in another. I do not condone actions of anyone who does anything that could lead to hurting an innocent person, whether they believe in that person's practices or not. The committee, as a general rule of criminal justice, attempts not to enact new criminal laws. The code is pretty broad. It is codified to cover most instances. In those areas where we find there is a discrepancy, you see bills such as elevated aggravated assault or elevated attempted murder. But the reality is that the laws are already there to prosecute people who do create criminal mischief, who do create trespass, or burglary. Don't confuse this with the crime of terrorizing, which we already have on the books, which is totally different from this. Now I support the bill in concept, but unfortunately the committee did not have enough time to work it into what we think people wanted it to be. The Majority report was to kill it. I don't believe any law that we pass should impact anybody's right to free speech. We're entitled to think anything we want, but we're not entitled to act on those thoughts and commit crimes. I don't believe this bill does that. I didn't support the bill because we already have laws on the books. Now whether our DAs and AGs are prosecuting people, that remains to be seen. I think this is an issue that will not go away. We had it 2 years ago, we will probably have it 2 years from now. Hopefully, between now and then, we may be able to craft some legislation that gets what we want to get out of it; which is protecting people. Whether the legislation causes our DAs to step up their enforcement or whether we get to a very specific item of somebody doing something dangerous to a third person. Unfortunately, this bill doesn't get us there. It is a case of unintended consequences. It causes more problems than it attempts to solve. For that reason I'm for the Majority Ought Not to Pass. But I do, in many respects, support some of the principles of the Minority report, but it doesn't get us there yet. I'd be willing to work on it in the future with anybody that wishes to. Thank you.

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

**Senator NUTTING:** Ladies and gentlemen of the Senate. I rise to support the pending motion and want to speak briefly to why. I've been around this place long enough so it always strikes me when people stand up and say 'I really don't like this, it may be unconstitutional.' We hear that almost 3 or 4 times a day towards the end of the session. I think if you look at the legislative history of statutes in Maine, as times have changed, we've changed the statutes. We've made laws specifically, in the past, on many other instances when, because of changing times, more and more infractions were happening in that area. Ladies and gentlemen of the Senate, times are changing as far as the relationship between the natural resource based industries go. This bill does not just effect forestry, it also effects fishing and farming. Times are changing there. When you spike a tree and that tree goes into a saw mill, any number of which we have in Maine, when that saw hits the spike that's in there, it's exactly like shrapnel flying around that saw mill. This is premeditated actions. For anyone to stand up and say 'oh, well current statute already covers that and it may be unconstitutional', well I think we're having more and more natural resource based terrorism in Maine and in this country. Besides spiking trees, we've had

whole crops cut down, research crops, in the middle of the night, devastating the research project. We've had signs posted on farms 'yes, we'll be back.' We've had threats of poisoning the water if they didn't agree with the actions of certain farmers. We've had threats of raids on research facilities because they didn't like the fact that mice and rats were kept in cages. I could go on and on. The natural resource based industries in Maine have already been adversely effected by NAFTA and many other things out of their control. Now they are having to deal with a growing number of people that are thinking about this ahead of time, before they spike the tree, before they cut down the crop, before they threaten to kill the animals on these various farms. These kinds of cases are increasing. That's why we need to narrow our statutes to specifically deal with them. I'm struck by this memo from the Criminal Law Advisory Commission, one of the many commissions I didn't know existed. In line 4 it said 'legislation like this should not more clearly raise a First Amendment constitutional issue than by punishing conduct undertaken' and this is the part that really makes the hair stand up on the back of my neck, 'for the primary purpose of protesting.' This bill doesn't effect that and they should know that. This bill effects, and it should read, the primary purpose of killing someone or putting them out of business. That's what is really happening. When you spike a tree or do these other actions, you're doing much more than protesting. You're doing something much more serious than that, something that we need to have a statute on the books to specifically deal with that as it effects forestry, fishing, farming, our natural resource based industries. I hope you'll go on to support the motion before us. Thank you.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. I'm going to be voting in favor of the pending motion for 2 reasons. First, I think there is a problem and it ought to be addressed. Second, procedurally the only way we can get this bill into position for an amendment to be offered is to get it to second reading. I think that's what we ought to do and determine if there is a way that we can address this issue this year. That way we can sharpen the debate and sharpen the focus. I hope you'll join me. Thank you.

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

Senator **MILLS:** Mr. President, until 1976, the criminal laws of this state were a mess. The indictments that were issued by District Attorneys were often times based on special purpose legislation that had been introduced. There had been attempts over the years to try to bring some order out of the chaos of defining what constitutes criminal conduct from what isn't. Much of it arose out the common law. In the 19<sup>th</sup> century, a fair amount of what constituted criminal conduct wasn't even defined by statute. It was something that you found in the common law. The classic indictment that you may recall hearing about was the infamous crime against nature, which no man dared speak it's name. That was the state of our criminal law back 100 years ago and a lot of the difficulties that we had because of the ill-definitions of what constituted criminal conduct in the 19<sup>th</sup> century carried over well into the 20<sup>th</sup> century. All during the mid part of the 20<sup>th</sup> century, there was a tremendous amount of work done to try to define, in ways that we could all accept, what constitutes

criminal conduct and what does not. There was something written as a product of this effort, I can't recall the proper name for it, that basically was a national criminal code, a uniform criminal code, that was assembled and put together and carefully structured with a great deal of work and time and energy from mostly people in the legal profession, but not entirely. A general code was developed for the state's consideration. In 1972, the state acquired access to some federal funding. Under the leadership of Attorney John Lund, who was a member of the legislature at one time and was our Attorney General on another occasion, and a very strong environmentalist, I might add, chaired a commission that met 45 times during the mid-70's to take what was called the Model Penal Code, the name now comes to me. This was the basis, I think the structure, upon which they built our new criminal code. After spending a great deal of money, time, and effort, they put something together which we now have in Title 17A. You may recall, Title 17 was the old amorphous piling up of statutes that had been accumulating since Maine had become a state. Most of these old criminal statutes were in response, indeed, to highly peculiar situations, like we're talking about today. Somebody comes in and says 'oh, there ought to be a law' and the legislature, being responsive to public opinion, duly passes a law making something illegal that maybe hadn't been clearly illegal before. The Model Penal Code and the efforts of the local people here in Maine to refine that Model Penal Code to suit this state's situation was an effort to define, if not for all time but for a very long time to come, the boundaries between criminal conduct and non-criminal conduct and to get it down in general language so that we wouldn't have special purpose laws to fit some peculiar situation that might not last over time. So the sheet I've handed out is a listing of crimes that are drawn, in essence, from the work done by Attorney Lund in the mid-70's. This penal code that we now have in this state has been around for 25 years. It went into effect on May 1, 1976. It does a very good job. We've occasionally made some amendments to it, but generally speaking, it has stood the test of time. Let no one mistake that the conduct that we have heard talked about this morning does in deed violate our standard criminal code. If the bridge collapses as the good Senator and his family is driving across it on his way to the camp and one of them is killed, rest assured that it will make no difference to the jury in Somerset County whether their motive was to protest logging up in Moxie Gorge. Those folks will go to jail for manslaughter, which carries a maximum sentence, as I recall, of 40 years. If someone is maimed, they'll go to jail for assault or aggravated assault or maybe even elevated aggravated assault. But rest assured that it won't make any difference to that jury why they began cutting through the timbers of that bridge. The motive is irrelevant. They might have been just drunk. But the conduct is equally deserving of punishment under the Model Penal Code and under the code as we have adopted it here in Maine. It shouldn't matter what their motives are.

We had a bill a few years ago, you may recall, brought in by the insurance industry. They said 'oh, we want to make it a crime if you deceive an insurance company and take money from an insurance company. We want a special law.' I remember resisting it at that time, saying 'gee, wiz, it's already a crime to deceive me and take money from me. It's already a crime to deceive Bangor Savings Bank and take money from a bank. Why do we need a separate law that says it's also illegal to deceive an insurance company and take money from an insurance company?' Over considerable resistance from me and some others in this chamber, that bill became law and here we

have, in our beautiful Model Penal Code, a separate little provision that's just for insurance companies that is purely an additive to what we already have in general law. I did not think that that was a particularly proud moment for this institution. I would not consider it a proud moment for this institution if we vote to put into law a very special crime for those who have a motivation to protest the environment. I think it is enough that we have a general law that says that all of this conduct is illegal, it can put you in jail. A Class D crime can put you in jail for up to 364 days. It can get you a fine of up to several thousands of dollars. If you are guilty of doing it more than once in the same series of transactions, you can add those up. So I think we have enough on the books already. I respectfully suggest that the motion should be defeated and we should go onto the Majority report of Ought Not to Pass. Thank you.

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

Senator **DAVIS:** Thank you very much, Mr. President. I would like to thank all the speakers this morning. They have all been eloquent. I appreciate the debate here; thoroughly enjoy it. I would add just a little bit. The good Senator from Somerset, Senator Mills, speaks eloquently and very favorably of the criminal code revision in 1976. I was a State Trooper at the time and I remember it very well. It had a lot of things in it that did good. But I would point out one thing it left out, bestiality, along with a number of things which many of us have attempted to fix over the years. I think that federal law addresses some problems. One problem federal law currently addresses is abortion clinics. It's against the law to protest within 250 feet of an abortion clinic because terrorists want to blow them up or terrorists want to kill innocent people. I agree with that. We addressed domestic violence. Every law that we put into a nutshell called domestic violence is somewhere in our criminal code. Assault, aggravated assault, murder, harassment, you name it, it's there. Yet we want to bring attention to it, so therefore we make it as we have, bringing attention to it. It's against the law to abuse your partner, to do all these things because it's particularly horrible. Driving spikes into a tree, having them go into a band saw and have the band saw explode in someone's face is particularly horrible. It could blow your head off. It leaves widows and widowers. We should address this. We should bring attention to it. As I said, Mr. President, the debate has been eloquent. I appreciate it.

Senator **DAVIS** of Piscataquis requested a Roll Call.

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **O'GARA** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**. (Roll Call Requested)

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**RECESSED** until 2:30 in the afternoon.

After Recess

Senate called to order by the President.

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

**ORDERS**

**Joint Order**

On motion by Senator **GOLDTHWAIT** of Hancock, the following Joint Order:

S.P. 624

**ORDERED**, the House concurring, that Bill, "An Act to Increase Funding for the Maine Dental Education Loan Program," H.P. 692, L.D. 896, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

**READ and PASSED.**

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **MILLS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Maine Biomedical Research Program"

S.P. 42 L.D. 210

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-210)**.

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

**READ ONCE.**

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Reinstate Emergency Assistance for Dependents of Veterans" S.P. 60 L.D. 224

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-209)**.

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

**READ ONCE**.

Committee Amendment "A" (S-209) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-209)**.

Sent down for concurrence.

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Capital Construction and Improvements Reserve Fund" S.P. 397 L.D. 1313

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-208)**.

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

**READ ONCE**.

Committee Amendment "A" (S-208) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208)**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Eliminate the Requirement That a Person Provide a Social Security Number for a Driver's License" H.P. 80 L.D. 89

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

Signed:

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

Representatives:  
MARLEY of Portland  
COLLINS of Wells  
WHEELER of Eliot  
FISHER of Brewer  
BOUFFARD of Lewiston  
BUNKER of Kossuth Township  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-218)**.

Signed:

Representatives:  
McNEIL of Rockland  
WHEELER of Bridgewater  
McKENNEY of Cumberland

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

Reports **READ**.

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

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **SAVAGE** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

**ENACTORS**

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

**Mandate**

An Act to Amend the Charter of the Portland Water District to Permit the Extension of Water and Wastewater Service to the Town of Raymond

H.P. 1220 L.D. 1661  
(C "A" H-166)



This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Protect a Farmer's Right to Farm"

H.P. 741 L.D. 960

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

Signed:

Senators:

KNEELAND of Aroostook  
NUTTING of Androscoggin  
KILKELLY of Lincoln

Representatives:

McKEE of Wayne  
VOLENIK of Brooklin  
HAWES of Standish  
LANDRY of Patten  
LUNDEEN of Mars Hill  
PINEAU of Jay  
JODREY of Bethel

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-451)**.

Signed:

Representatives:

FOSTER of Gray  
CARR of Lincoln  
GOOLEY of Farmington

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Establish the Maine Forest Certification Council"

H.P. 1229 L.D. 1676

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

Signed:

Senators:

KNEELAND of Aroostook  
KILKELLY of Lincoln  
NUTTING of Androscoggin

Representatives:

LANDRY of Patten  
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 to Pass as Amended by Committee Amendment "A" (H-452)**.

Signed:

Representatives:

McKEE of Wayne  
VOLENIK of Brooklin  
HAWES of Standish

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

9 Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Enhance Local Accountability" H.P. 1075 L.D. 1444

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

PENDLETON of Cumberland  
ROTUNDO of Androscoggin

Representatives:

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

3 Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-453)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

CHASE of Levant  
CRESSEY of Baldwin

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-454)**.

Signed:

Representative:

KASPRZAK of Newport

Comes from the House with Report "A", **UGHT NOT TO PASS READ and ACCEPTED**.

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** Report "A", **UGHT NOT TO PASS**, in concurrence.

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

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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 **NATURAL RESOURCES** on Bill "An Act to Provide for Remediation of Abandoned Landfills" S.P. 564 L.D. 1724

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

Signed:

Senator:

MARTIN of Aroostook

Representatives:

ANNIS of Dover-Foxcroft  
BAKER of Bangor  
TOBIN of Windham  
KOFFMAN of Bar Harbor  
COWGER of Hallowell  
DAIGLE of Arundel  
DUPLESSIE of Westbrook  
TWOMEY of Biddeford  
CRABTREE of Hope  
CLARK of Millinocket

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

Signed:

Senator:

SAWYER of Penobscot

Reports **READ**.

Senator **SAWYER** of Penobscot moved the Senate **ACCEPT** the Majority **UGHT TO PASS** Report.

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

Senator **SAWYER:** Thank you. Less anyone should misconstrue the vote of the committee, I support the Majority as a protest vote on my part because I believe the state is paying to clean up the bad behaviors of certain individuals who should be held responsible. Thank you.

On motion by Senator **SAWYER** of Penobscot, the Majority **UGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/4/01) Assigned matter:

**SENATE REPORTS** - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill " An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs"  
S.P. 376 L.D. 1214

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-134)** (6 members)

Tabled - May 4, 2001, by Senator **MITCHELL** of Penobscot

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

(In Senate, May 4, 2001, Reports **READ**.)

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. I would beg you're indulgence to vote against the pending motion to allow me to get this bill in a position to add an amendment. This is, I believe, a critically important issue in terms of developing relationships between school food service folks and farmers. If we are truly concerned about the situation that farmers find themselves in, we need to create these relationships. We need to find the places that are, in fact, selling lots of food and we need to connect them with the people that are growing lots of food. That's really what this bill is all about. It's about providing an incentive for that to happen. One of the things that I've handed out to you is 2 pages of a 40 page report that I received a few days ago about a project in Kentucky just a year ago where they brought together a number of food service workers and food service directors and farmers and said 'what do you need to know in order to buy from each other? What do you need to know in order to sell? How is this going to happen?' We need to act as that conduit in order to provide those opportunities. I believe this bill, as amended, would do that. So I would, again, ask that you would please defeat the pending motion and allow this bill to get to second reading so that I might more clearly explain the purpose of the amendment. Thank you very much.

The Chair ordered a Division. 8 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MITCHELL** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

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

**READ ONCE.**

Committee Amendment "A" (S-134) **READ** and **ADOPTED**.

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

On motion by Senator **KILKELLY** of Lincoln, Senate Amendment "A" (S-174) **READ**.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. I appreciate the opportunity to present this amendment. This amendment clarifies that the bill is intended to provide an additional financial incentive to school food service programs that purchase local foods. For the first \$3,000 worth of either raw or minimally processed, meaning washed or packaged foods, that they buy from a farmer or a farm cooperative, the school would be reimbursed \$1,000. The cost of this, from the fiscal office, is about \$37,000, meaning that not all schools are going to buy \$3,000 worth of produce. Not all schools are even going to participate in the program. But I believe that as more and more of them do, it will create ongoing relationships between the school food service programs, which are serving many tens of thousands of meals a day, and the farmers of this state that are looking for new market opportunities.

The \$37,000 fiscal note in this bill will create \$120,000 or so of monies. Not just money in our economy, but money in our local agricultural economy. Money within our communities that will then circulate from the farms to the workers to the suppliers for the farms and others. To me it is a tremendous investment. I was a food service director for 4 years and I'm someone who has always been interested in agriculture. One of the things that I learned in doing that job is that the food service directors really don't know how to approach the farmers about what their needs are and the farmers don't really understand the opportunity that's available through the school food services to sell products. You can't go in September to the farmer and say 'I'd like to buy carrots all winter from you' or 'I'd like to buy apples all winter from you.' You need to do that in the spring. You need to do that before the planting season happens. By creating a financial incentive for the food school service directors and the farmers to work together, I believe that the long term relationship will provide many more opportunities for them to purchase products. When I met a couple of days ago with members from the Executive Board of the Maine School Food Service Association, they were very excited about this bill, and as we talked more, we talked about things like schools that go on field trips. How much more important would it be to go on a field trip to a farm where they are growing the carrots that are on your tray at school or to go to the apple orchard where the apples are grown for your school. In this country, we are approximately 5 generations away from raising our own food. Because we're that many generations away, many people don't understand the need for farm policy. They don't understand the importance of preserving land and having farm and agricultural land available. By doing this thing, by using this as an education program as well as an economic incentive for farmers, it creates tremendous opportunity for us to educate children in the importance of agriculture. This bill is

supported by the Maine Farm Bureau, and yesterday at the Executive Meeting of the Food Service Association, they endorsed it as well. I would urge you to support this amendment and let it go forward and see if we can create some new vitality between those two groups, the groups that are producing and the groups that are using, and see if we can create more incentives for them to make those purchases. Thank you very much.

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

Senator **MITCHELL:** Thank you, Mr. President. Good afternoon, women and men of the Senate. I rise this afternoon to ask you to vote in opposition and support the Majority Ought Not to Pass. The good Senator from Androscoggin, Senator Rotundo, and I voted on the Ought Not to Pass. The rationale for this is that this is a local control item. The local schools are already using the farm products of the local farm people in the area. The reason they are doing that is because it's accessible to them. When we were discussing this in committee, what this can do is the fact that schools can put in for \$1,000 and then just merely say 'well, we bought McCain's french fries' because it's a Maine product just to cure the \$1,000. It isn't going to force the schools to actually participate.

Now the amendment that the good Senator from Lincoln, Senator Kilkelly, has put in is going to make sure that it does come from local farmers. However, the problem is, financially, when we are looking at the appropriations for this, the fiscal note saying that the General Fund appropriation of an indeterminate amount annually beginning in fiscal year 02. Well, we're faced with a dilemma with Part II of not having monies to pay for the GPA or to fund our education. The signal we're sending out there is that we're going to give the schools \$1,000 apiece to buy locally grown food, but we don't have money enough to even fund all of our GPA the way it should be funded. We feel that, due to the crunch right now, that we really need to make sure that every available dollar that we have goes into the appropriate funding for Part II. We do need to look ahead at the 3% that currently is available in the Governor's budget for GPA. It is a good program but we want to give local control and we want to make sure that we use other methods through the Farm Bureau and through the local farmers. They need to present their produce to the schools and the schools need to have the ability to purchase them. We feel that this is being done in some of the schools that we're talking to in rural areas. They are already purchasing locally grown food. They don't need the state giving \$1,000 per school to fund them to go out and purchase their food when it is not necessarily going to benefit them to that degree. We just feel that the monies should go to the funding or trying to fund the school districts for the next fiscal year, which we only have at 3%. So with that, I would ask you to vote against the current amendment of the Senator from Lincoln, Senator Kilkelly, so that we can vote Ought Not to Pass.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I hope that you will support the pending motion from the good Senator from Lincoln, Senator Kilkelly. I know she has worked diligently to try to come up with some compromise on this issue. I don't think we have a local control issue. This is a choice for schools. They can either participate or not. It's an

incentive approach. It's not a mandate of any kind. Concerning the costs, I think that it's something that deserves consideration as we look at other options. It's a fairly small thing to do for our local farmers. Thank you.

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

Senator **MITCHELL:** Thank you, Mr. President. I apologize. I would certainly recommend that you go out and vote for the amendment, but then vote against the bill. That's what I was asking for. I wanted to just explain what the theory was. I did not want to get up and oppose the good Senator from Lincoln, Senator Kilkelly's, amendment. I was identifying why we voted Ought Not to Pass originally with the Majority report. Go ahead and support her amendment but we are very concerned about passing the bill.

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

Senator **NUTTING:** Mr. President, ladies and gentlemen of the Senate. I rise today to urge you to support the amendment and the bill in its amended form. I know in Androscoggin County the planning department there has come to the conclusion that 90% of the open space we have left in Androscoggin County is there because of agriculture. Those farms are there when they have access to markets. It's no secret, with some other bills that now have been carried over to the next session, that we have a thriving farmers market system going in Maine. That's helped create markets for Maine fruits and vegetables. We have 2 large store chains that are doing a great job at selling Maine vegetables and fruits. We have 2 chains that's almost impossible to get your merchandise into those stores. This is very critical in my opinion. Not being a vegetable farmer but talking to vegetable farmers, they would love to be able to sell to local food service departments. I think, with this bill, there may be other creative ways to fund it as time goes on. I believe it deserves a chance to go to the Appropriations Table and see what happens. I do firmly believe that if we can pass this bill in its amended form, it will open up more markets and allow more local farmers to produce and deliver high quality vegetables that are much higher in minerals and vitamins than vegetables now being trucked in from California and served to our kids. So I urge support of the amendment that's before us today. Thank you.

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

Senator **SMALL:** Thank you, Mr. President. May I pose a question through the chair?

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

Senator **SMALL:** Thank you. I'm looking in the amendment to see if it has provisions for freezing. It talked about minimally processed foods but I'm thinking about when our farmers market takes place in Bath, and that's generally when my daughter's home from school for the summer. Other than the fall, when you have apples and squash and other vegetables she won't eat, I'm trying to think of when the Maine farmers would be growing the vegetables that would then be sold to the schools between fall and spring. I guess my question is, does this allow for the

freezing? Would this be for frozen Maine produce as well or is it just for the fresh?

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. Excellent question. The issue in this bill is to get the money directly to farmers. So freezing is not considered minimally processed. The issue of \$3,000, while it seems like a lot of money, when I was serving 700 meals a day, \$3,000 doesn't go all that far. We're talking about apples, carrots, and potatoes initially in the spring. Later on in the spring we might be talking about lettuce and some other greens in terms of salads. The idea is to start that process so that eventually there is an ongoing relationship and more understanding on the part of farmers and food service directors about what the demands and needs are of the food service directors and also what the expectations can be of the farmers in terms of what the products are that are needed. The other thing is that we're seeing more and more schools that are going into summer programs. We've got at least 7 schools that are having summer programs and the summer reading programs and other summer programs do serve meals. All of the vegetables would be available for them. But again, the issue of \$3,000, although it seems like a lot, depending on how many hundreds or how many thousands of meals you're serving a day, it actually adds up pretty quickly when you're talking about purchasing produce for that number of meals.

The Chair ordered a Division. 25 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **KILKELLY** of Lincoln to **ADOPT** Senate Amendment "A" (S-174), **PREVAILED**.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 17 Senators having voted in the affirmative and 11 Senators having voted in the negative, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-134) AND SENATE AMENDMENT "A" (S-174)**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

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

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create the Maine EPSCoR Capacity Fund"

H.P. 198 L.D. 228

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-479)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)**.

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

**READ ONCE.**

Committee Amendment "A" (H-479) **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-479)**, in concurrence.

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness"

H.P. 292 L.D. 370

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-480)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**.

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

**READ ONCE.**

Committee Amendment "A" (H-480) **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-480)**, in concurrence.

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the State's Share of the Budget to Operate the Northeast Legislative Association on Prescription Drug Pricing"

H.P. 309 L.D. 387

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-476)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)**.

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

**READ ONCE.**

Committee Amendment "A" (H-476) **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-476)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Support the Building Alternatives Program"

H.P. 870 L.D. 1149

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-477)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**.

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

**READ ONCE.**

Committee Amendment "A" (H-477) **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-477)**, in concurrence.

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for Low-barrier Homeless Teen Shelters"

H.P. 1016 L.D. 1365

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-478)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478)**.

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

**READ ONCE.**

Committee Amendment "A" (H-478) **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-478)**, in concurrence.

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Create the Legislative Youth Advisory Council" (EMERGENCY)

H.P. 1315 L.D. 1779

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-474)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**.

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

**READ ONCE.**

Committee Amendment "A" (H-474) **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-474)**, in concurrence.

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

**ORDERS**

**Joint Order**

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

S.P. 625

ORDERED, the House concurring, that Bill, "An Act to Amend the Laws Governing the Suspension and Revocation of Hunting and Fishing Licenses," H.P. 1095, L.D. 1464, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

**READ and PASSED.**

Sent down for concurrence.

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act"

H.P. 1352 L.D. 1809

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, Establishing the Committee to Study and Make Recommendations to Enhance the Governance of the Allagash Wilderness Waterway

S.P. 585 L.D. 1761  
(C "A" S-162)

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

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

**ENACTORS**

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

**Emergency Measure**

An Act to Amend Article 9-A of the Uniform Commercial Code  
H.P. 826 L.D. 1080  
(C "A" H-412)

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The Chair noted the presence of the Senator from Aroostook, Senator **MARTIN**.

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This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, to Retain Direct Care Workers for Persons with Mental Retardation

S.P. 295 L.D. 1006  
(C "A" S-161)

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

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**Emergency Resolve**

Resolve, to Create a Task Force to Make Recommendations Regarding Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing

H.P. 1120 L.D. 1489  
(C "A" H-394)

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

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

**ENACTORS**

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

**Acts**

An Act to Clarify Where a Public Hearing Involving Dredging Activity by the Department of Marine Resources Must be Held

H.P. 245 L.D. 281  
(C "A" H-398)

An Act to Clarify the Laws Pertaining to Licensing Requirements for Landowners

H.P. 270 L.D. 348

An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations

S.P. 155 L.D. 499  
(C "A" S-111)

An Act Regarding Ancient Execution Liens

H.P. 554 L.D. 709  
(C "A" H-411)

An Act Regarding Nursery School Rules

S.P. 291 L.D. 1002

An Act to Strengthen the Bail Laws for Repeat Offenders

H.P. 922 L.D. 1236  
(C "A" H-405)

An Act to Require Truth in Advertising of Natural Water

S.P. 414 L.D. 1358  
(C "A" S-135)

An Act Concerning Responsibilities of Conservators for Persons With Disability and Minors

H.P. 1017 L.D. 1366  
(C "A" H-414)

An Act to Make Uniform the Language Governing Parental Rights and Responsibilities in the Maine Revised Statutes

H.P. 1104 L.D. 1473  
(C "A" H-415)

An Act to Expand the Options for a Lobster Management Zone

H.P. 1114 L.D. 1483  
(C "A" H-391)

An Act to Reduce the Release of Dioxin from Consumer Products into the Environment

S.P. 479 L.D. 1543  
(C "A" S-178)

An Act to Amend the Laws Affecting Changeable Message Signs

H.P. 1164 L.D. 1564  
(C "A" H-408)

An Act to Clarify the Unlawful Use of Snowmobile Trails

S.P. 490 L.D. 1579  
(C "A" S-176)

An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records

S.P. 492 L.D. 1581  
(C "A" S-177)

An Act Regarding Passamaquoddy Land in Township 19, M.D.

H.P. 1217 L.D. 1658

An Act to Allow Expressly Authorized Persons to Conduct Investigations for the Chief Medical Examiner

S.P. 559 L.D. 1721

An Act to Clarify and Update the Laws Related to Health Insurance Contracts

H.P. 1282 L.D. 1742  
(C "A" H-416)

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

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An Act to Provide Noncommercial Combination Lobster and Scallop Licenses to Persons Over 70 Years of Age

H.P. 320 L.D. 410  
(C "A" H-392)

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

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**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Eliminate the Requirement That a Person Provide a Social Security Number for a Driver's License"

H.P. 80 L.D. 89



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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-218)** (3 members)

Tabled - May 16, 2001, by President Pro Tem **BENNETT** of Oxford

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

(In House, May 16, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 16, 2001, Reports **READ**.)

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 (#61)**

YEAS: Senators: ABROMSON, CARPENTER, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LONGLEY, MCALEVEY, MILLS, MITCHELL, NUTTING, O'GARA, RAND, ROTUNDO, SAVAGE, SAWYER, SMALL, TREAT, TURNER, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, DAVIS, MARTIN, SHOREY, WOODCOCK

ABSENT: Senators: BROMLEY, LEMONT

EXCUSED: Senator: PENDLETON

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **SAVAGE** of Knox 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:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Certain Boards and Commissions"

H.P. 1349 L.D. 1806

Report - **Ought to Pass**, pursuant to Joint Order (H.P. 1208)

Tabled - May 16, 2001, by Senator **NUTTING** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**

(In House, May 15, 2001, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 16, 2001, Report **READ** and **ACCEPTED**, in concurrence. On motion by Senator **NUTTING** of Androscoggin, **RECONSIDERED**.)

Report **ACCEPTED**, in concurrence.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Expand the Collection of DNA Samples from Convicted Offenders"

H.P. 1165 L.D. 1565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468)**.

Signed:

Senators:  
McALEVEY of York  
DAVIS of Piscataquis  
O'GARA of Cumberland

Representatives:  
POVICH of Ellsworth  
O'BRIEN of Lewiston  
BLANCHETTE of Bangor  
TOBIN of Dexter  
QUINT of Portland  
PEAVEY of Woolwich  
SNOWE-MELLO of Poland  
WHEELER of Bridgewater

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

Signed:

Representatives:  
GERZOFISKY of Brunswick  
MITCHELL of Vassalboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-468) **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-468)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Protect Off-track Betting Facilities" H.P. 1078 L.D. 1447

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-481)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481)**.

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

**READ ONCE**.

Committee Amendment "A" (H-481) **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-481)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Regulate Waste Transfer Facilities" H.P. 388 L.D. 509

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

Signed:

Senators:

MARTIN of Aroostook  
SHOREY of Washington  
SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft  
BAKER of Bangor  
TOBIN of Windham  
KOFFMAN of Bar Harbor  
COWGER of Hallowell  
CLARK of Millinocket  
DAIGLE of Arundel  
DUPLESSIE of Westbrook  
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-485)**.

Signed:

Representative:

TWOMEY of Biddeford

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

Reports **READ**.

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

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On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Thursday, May 17, 2001, at 9:00 in the morning.