

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
Monday
May 21, 2001

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

Prayer by Reverend David Rinas of the Prince of Peace Lutheran Church in Augusta.

REVEREND RINAS: Let us pray. Lord, God, Our Heavenly Father, You have called these men and women here today as Your servants to work for justice and peace and harmony in our land. Therefore, I pray for them today these words from an ancient prayer.

Lord, God, You have called Your servants to ventures of which we cannot see the ending, by paths as yet untrodden, through perils unknown. Give us faith to go out with good courage, not knowing where we go but only that Your hand is leading us and Your love supporting us. Amen.

Pledge of Allegiance led by Senator Kevin L. Shorey of Washington County.

Doctor of the day, Willam Rodriguez, M.D. of Readfield.

Reading of the Journal of Friday, May 18, 2001.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 297

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE**

May 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 132 Resolve, to Establish a Cold Case Homicide Squad within the Department of Public Safety
- L.D. 1017 An Act to Allow Compassionate Leave to State Prisoners
- L.D. 1315 An Act to Expand the Crime of Assault on a Law Enforcement Officer
- L.D. 1470 An Act to Enhance Enforcement and Prosecution of Computer-related Crimes
- L.D. 1508 An Act to Place a 2% Surcharge on all Criminal and Traffic Fines to Fund the Efforts of the Maine Computer Crimes Task Force
- L.D. 1662 Resolve, to Study the Emergency Medical Services System
- L.D. 1727 An Act to Control the Abuse of Designer Club Drugs by Adding Certain Drugs to the List of Schedule W and Schedule X Drugs

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

Sincerely,

S/Sen. Michael J. McAlevey
Senate Chair

S/Rep. Edward J. Povich
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 298

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

May 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 21, 2001

L.D. 1403 Resolve, to Establish the Task Force on School Governance

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Thomas J. Kane
House Chair

H.P. 1299 Joint Study Order Relative to the Joint Select Committee to Examine the Availability of Textbooks in Primary and Secondary Schools

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

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

Sincerely,

S/Sen. Betty Lou Mitchell
Senate Chair

S/Rep. Shirley K. Richard
House Chair

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

The Following Communication: S.C. 300

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

May 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1311 An Act to Amend the Workers' Compensation Laws Regarding Contracts for Services to Administer Reimbursement Requests

L.D. 1332 An Act to Improve Retirement Benefits for Marine Patrol Officers

H.P. 513 Joint Study Order Relative to the Joint Select Committee to Study the Offset in Social Security and Maine State Retirement System Benefits

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

The Following Communication: S.C. 299

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

May 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 451 An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the Temporary Assistance for Needy Families Program

L.D. 1167 An Act to Disclose Prescription Drug Marketing Activities

L.D. 1226 An Act to Increase the Amount of Income That May Be Retained by a Nursing Home Resident

L.D. 1345 Resolve, to Establish the Legislative Task Force to Make Legislative and Policy Recommendations to Strengthen Consumer Protection and Quality Outcomes for All In-home and Home Health Care Services

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

Sincerely,

Sincerely,

S/Sen. Betheda G. Edmonds
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

The Following Communication: S.C. 301

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

May 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1140 Resolve, to Clarify the 3-mile Fishing Waters in Saco Bay

L.D. 1786 An Act to Amend the Review Criteria for Submerged Leases of Coastal Waters

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

Sincerely,

S/Sen. Kenneth F. Lemont
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Continue the Privacy Protection of Health Care Information"

H.P. 209 L.D. 244

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.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

H.P. 1312 L.D. 1776

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.

The Committee on **TAXATION** on Bill "An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws"

H.P. 1339 L.D. 1794

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.

The Committee on **TRANSPORTATION** on Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety (EMERGENCY)

H.P. 1313 L.D. 1777

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**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning Teacher Certification for Targeted Need Areas"

H.P. 803 L.D. 1047

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

Signed:

Senator:
MITCHELL of Penobscot

Representatives:
RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

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

Signed:

Senators:

NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend School Immunizations Requirements"

H.P. 1163 L.D. 1563

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-446)**.

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
CUMMINGS of Portland
LEDWIN of Holden
STEDMAN of Hartland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-447)**.

Signed:

Representatives:

ESTES of Kittery
ANDREWS of York
WESTON of Montville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)**.

Reports **READ**.

On motion by Senator **MITCHELL** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-446) **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-446)**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify Referendum Wording"

H.P. 600 L.D. 755

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

Signed:

Senators:

DOUGLASS of Androscoggin
WOODCOCK of Franklin
BROMLEY of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Signed:

Representative:

HEIDRICH of Oxford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Implement Recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State"

H.P. 1285 L.D. 1748

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

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

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

Signed:

Representatives:

KASPRZAK of Newport
HASKELL of Milford
CRESSEY of Baldwin

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-501) **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-501)**, in concurrence.

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings" (EMERGENCY)

S.P. 448 L.D. 1502

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-225)**.

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

READ ONCE.

Committee Amendment "A" (S-225) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225)**.

Sent down for concurrence.

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Expand Higher Educational Opportunities in Underserved Rural Areas"

S.P. 525 L.D. 1648

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-224)**.

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

READ ONCE.

Committee Amendment "A" (S-224) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-224)**.

Sent down for concurrence.

Senator FERGUSON for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Ensure Telecommunications Protections for Deaf and Hard-of-hearing People"

S.P. 348 L.D. 1162

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-227)**.

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

READ ONCE.

Committee Amendment "A" (S-227) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Promote Outcome-based Forest Policy" (EMERGENCY)

S.P. 544 L.D. 1690

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-222)**.

Signed:

Senators:

KNEELAND of Aroostook
NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:

McKEE of Wayne
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 "B" (S-223)**.

Signed:

Representatives:

VOLENIK of Brooklin
HAWES of Standish

Reports **READ**.

On motion by Senator **KNEELAND** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-222) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Encourage Entrepreneurship Education and Outreach

S.P. 205 L.D. 770

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

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

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

Signed:

Representative:

STEDMAN of Hartland

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide for a Smoking Cessation Program for Pregnant Women"

S.P. 577 L.D. 1755

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

Signed:

Senators:

LONGLEY of Waldo
TURNER of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-221).**

Signed:

Senator:

MARTIN of Aroostook

Representatives:

O'BRIEN of Augusta
LOVETT of Scarborough

Reports **READ.**

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Increase Access to Unemployment Compensation for School Bus Drivers"

S.P. 473 L.D. 1537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

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

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

Signed:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

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

Reports **READ.**

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

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

ENACTORS

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

Emergency Measure

An Act to Create the Legislative Youth Advisory Council

H.P. 1315 L.D. 1779
(C "A" H-474)

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

Emergency Measure

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

H.P. 1351 L.D. 1808

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

Emergency Resolve

Resolve to Improve Services to Persons with Mental Retardation

H.P. 954 L.D. 1268
(C "A" H-494)

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

Mandate

An Act to Revise the Sewer Lien Laws

H.P. 381 L.D. 483
(C "A" H-460)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

Mandate

An Act Relating to Personal Privacy and Governmental Information Practices

H.P. 1234 L.D. 1681
(C "A" H-461)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in the negative, and 29 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.

Acts

An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability

H.P. 377 L.D. 479
(C "A" H-491)

An Act to Make Child Care More Accessible for Parents in Transition From Welfare to Work

H.P. 789 L.D. 1033
(C "A" H-493)

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
(C "A" S-205)

An Act to Protect Off-track Betting Facilities

H.P. 1078 L.D. 1447
(C "A" H-481)

An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues

S.P. 457 L.D. 1510
(C "A" S-206)

An Act to Expand the Collection of DNA Samples from Convicted Offenders

H.P. 1165 L.D. 1565
(C "A" H-468)

An Act to Improve the Licensing and Regulation of Denturists

S.P. 520 L.D. 1639
(C "A" S-204)

An Act to Provide for Remediation of Abandoned Landfills

S.P. 564 L.D. 1724

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

An Act to Fund the Maine Biomedical Research Program

S.P. 42 L.D. 210
(C "A" S-210)

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

An Act to Reinstate Emergency Assistance for Veterans

S.P. 60 L.D. 224
(C "A" S-209)

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

An Act to Create the Maine EPSCoR Capacity Fund

H.P. 198 L.D. 228
(C "A" H-479)

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

An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness

H.P. 292 L.D. 370
(C "A" H-480)

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

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
(C "A" H-476)

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

An Act to Amend the Laws Pertaining to Domestic Violence

S.P. 232 L.D. 797
(C "A" S-172)

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

An Act to Establish the Maine Firefighter Training Fund

H.P. 804 L.D. 1048
(S "A" S-207 to C "A" H-159)

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

An Act to Support the Building Alternatives Program

H.P. 870 L.D. 1149
(C "A" H-477)

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

An Act to Fund the Capital Construction and Improvements Reserve Fund

S.P. 397 L.D. 1313
(C "A" S-208)

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

An Act to Provide Funding for a Low-barrier Homeless Teen Shelter

H.P. 1016 L.D. 1365
(C "A" H-478)

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

An Act to Amend the Crime of Endangering the Welfare of a Child

S.P. 588 L.D. 1764
(C "A" S-203)

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

Resolves

Resolve, Regarding Reimbursement for Optometrists Under the Medicaid Program

H.P. 702 L.D. 917
(C "A" H-490)

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

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

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

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

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

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/18/01) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require the Labeling of Certain Genetically Engineered Foods"
H.P. 698 L.D. 902

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-149)** (4 members)

Tabled - May 18, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **KILKELLY** of Lincoln to **INDEFINITELY POSTPONE** Bill and accompanying papers, in concurrence (Roll Call Ordered)

(In House, May 17, 2001, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, May 18, 2001, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#66)

YEAS: Senators: **ABROMSON, BENNETT, CARPENTER, CATHCART, FERGUSON, GAGNON, KILKELLY, KNEELAND, LEMONT, MARTIN, MCALEVEY, MILLS, MITCHELL, NUTTING, O'GARA, SAVAGE, SMALL, THE PRESIDENT - MICHAEL H. MICHAUD**

NAYS: Senators: **BROMLEY, DAVIS, DOUGLASS, EDMONDS, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, ROTUNDO, SAWYER, SHOREY, TREAT, WOODCOCK**

ABSENT: Senators: **DAGGETT, PENDLETON, RAND, TURNER, YOUNGBLOOD**

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **KILKELLY** of Lincoln to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/16/01) Assigned matter:

An Act to Manage the Sea Urchin Fishery
S.P. 299 L.D. 1010
(C "A" S-125)

Tabled - May 16, 2001, by Senator **SMALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, May 3, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125)**.)

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

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

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

Emergency Measure

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

H.P. 1351 L.D. 1808

Tabled - May 21, 2001, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2001, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 18, 2001, **PASSED TO BE ENACTED**.)

On motion Senator **DOUGLASS** of Androscoggin, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, Senate Amendment "A" (S-215) **READ**.

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

Senator **DOUGLASS:** I'd just like to explain to members of the Senate that this amendment removes an emergency preamble. The bill underlying is for the sale of the Caribou Armory and apparently we can't do that while there is an emergency preamble on it. So this is really a technical change.

On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "A" (S-215) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-215), in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Create the Healthy Maine Prescription Program" (EMERGENCY)

H.P. 1334 L.D. 1790

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-520).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520).**

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

READ ONCE.

Committee Amendment "A" (H-520) **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-520)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish a Lottery Game to Improve Purses for Maine Harness Racing and to Enhance Penalties for Use of Illegal Gambling Machines"

S.P. 480 L.D. 1544

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-228).**

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

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

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

Signed:

Representatives:
LABRECQUE of Gorham
PATRICK of Rumford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-228) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228)**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide for a Smoking Cessation Program for Pregnant Women"

S.P. 577 L.D. 1755

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-221)** (3 members)

Tabled - May 21, 2001, by Senator **MARTIN** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 21, 2001, Reports **READ**.)

Senator **LONGLEY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **LONGLEY:** Thank you, Mr. President, colleagues in the Senate. Very quickly, what this bill was to do was to provide for smoking cessation programs for pregnant women and we heard testimony that persuaded the large majority of us that pregnant women who smoke are already getting attention under the smoking cessation program. Thank you.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1354

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out, to the House, legislation relating to reimbursement for property taxes paid on business equipment.

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

READ and **PASSED**, in concurrence.

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Joint Order was **PASSED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Tuesday, May 22, 2001, at 10:00 in the morning.