

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

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

In Senate Chamber
Tuesday
May 22, 2001

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

Prayer by Reverend Elizabeth J. Bachelder of the United Methodist Church in Gardiner.

REVEREND BACHELDER: Thank you for the privilege of being here to pray with you this morning. Would you join me in the spirit of prayer.

Oh Creator, God, who gives us the gift of life and journeys with us through each new day, we do not seek Your presence for we know that You are here with us already. We ask for Your guidance and Your wisdom to be upon the members of our Senate today. Guide them in their discussions and their deliberations, that they may continue in Your service. Make them bold as they meet the challenges that are before them. We remember, together, our Governor, Angus King, and the people of our state as we gather. We remember, especially, our children this morning. We ask for Your blessing to rest upon us now as we gather before You in the spirit of prayer. Amen.

Doctor of the day, Kathryn Yung, M.D., Augusta Mental Health Institute in Augusta.

Reading of the Journal of Monday, May 21, 2001.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 304

**120TH LEGISLATURE
SENATE OF MAINE**

May 21, 2001

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

Dear Madam Secretary:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Legalize Hemp for Agricultural Purposes." (H.P. 882) (L.D. 1174)

Senator Kneeland of Aroostook
Senator Nutting of Androscoggin
Senator Kilkelly of Lincoln

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 305

**120TH LEGISLATURE
SENATE OF MAINE**

May 21, 2001

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

Dear Madam Secretary:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Require the State to Pay for Veterans' Obituaries and State Flags." (H.P. 416) (L.D. 537)

Senator Douglass of Androscoggin
Senator Bromley of Cumberland
Senator Woodcock of Franklin

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Permit the Salvage of Pulpwood" (EMERGENCY)
S.P. 628 L.D. 1811

Sponsored by President MICHAUD of Penobscot.
Cosponsored by Representative CLARK of Millinocket and
President Pro Tem BENNETT of Oxford, Senators: KNEELAND
of Aroostook, Representative: STANLEY of Medway.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Encourage Independent 3rd-party Forest Management Certification for Small Woodlot Owners"

H.P. 1219 L.D. 1660

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Signed:

Senators:

KNEELAND of Aroostook
NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:

McKEE of Wayne
HAWES of Standish
LUNDEEN of Mars Hill
PINEAU of Jay
GOOLEY of Farmington
FOSTER of Gray

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

Signed:

Representatives:

VOLENIK of Brooklin
LANDRY of Patten
CARR of Lincoln
JODREY of Bethel

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-515)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-515) **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-515)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales"

H.P. 14 L.D. 14

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

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
KANE of Saco
LAVERRIERE-BOUCHER of Biddeford
LOVETT of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-456)**.

Signed:

Representatives:

DUGAY of Cherryfield
O'BRIEN of Augusta
SHIELDS of Auburn
NUTTING of Oakland

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-456)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide for Graduated Eligibility Requirements for the Elderly Low-cost Drug Program"
H.P. 41 L.D. 50

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-510)**.

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
NUTTING of Oakland

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

Signed:

Representative:
SHIELDS of Auburn

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-510)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-510) **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-510)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Breast and Cervical Cancer Prevention and Treatment Act of 2000"
H.P. 208 L.D. 243

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-516)**.

Signed:

Senators:
LONGLEY of Waldo
TURNER of Cumberland
MARTIN of Aroostook

Representatives:
FULLER of Manchester
BROOKS of Winterport
LAVERRIERE-BOUCHER of Biddeford
DUGAY of Cherryfield
KANE of Saco
LOVETT of Scarborough
SHIELDS of Auburn

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

Signed:

Representative:
NUTTING of Oakland

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-516)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-516) **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-516)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Strengthen the Maine Rx Program"
H.P. 376 L.D. 478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook

Representatives:

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

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

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

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-249)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Full Disclosure of Prescription Drug Marketing Costs"

H.P. 778 L.D. 1022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-517)**.

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook

Representatives:

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

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

BROOKS of Winterport
LOVETT of Scarborough
O'BRIEN of Augusta
SHIELDS of Auburn
NUTTING of Oakland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Access to Personal Care Assistant Home Care Services

H.P. 895 L.D. 1187

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509)**.

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
NUTTING of Oakland

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

Signed:

Representative:

SHIELDS of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-509) **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-509)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Update the Name of the Department of Mental Health, Mental Retardation and Substance Abuse Services"

H.P. 1162 L.D. 1562

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-518)**.

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
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 Not to Pass**.

Signed:

Representatives:

LOVETT of Scarborough
O'BRIEN of Augusta

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-518)**.

Reports **READ**.

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

The Chair ordered a Division. 23 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-518) **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-518)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish the Task Force to Examine Health Care Delivery Systems Within the State (**EMERGENCY**)
H.P. 1203 L.D. 1625

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

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

FULLER of Manchester
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
DUGAY of Cherryfield
KANE of Saco
LOVETT of Scarborough
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" (H-519)**.

Signed:

Representatives:

BROOKS of Winterport
O'BRIEN of Augusta

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

Reports **READ**.

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

Senate

Ought to Pass

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Encourage Savings for Higher Education"

S.P. 579 L.D. 1757

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

Report **READ**

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, to Create a Commission to Review the Landlord-tenant Laws in the State

S.P. 464 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-229)**.

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
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath

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

Signed:

Representative:

LABRECQUE of Gorham

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-229) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-229)**.

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Create the Healthy Maine Prescription Program
H.P. 1334 L.D. 1790
(C "A" H-520)

On motion by Senator **GOLDTHWAIT** of Hancock, **TABLED** until Later in Today's Session, pending **ENACTMENT**, 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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Beano and Games of Chance Laws" H.P. 407 L.D. 528

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-526)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526)**.

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

READ ONCE.

Committee Amendment "A" (H-526) **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-526)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws" H.P. 798 L.D. 1042

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-527)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)**.

Report **READ**.

On motion by President Pro Tem **BENNETT** of Oxford, **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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the Sex Offender Registration and Notification Act of 1999" H.P. 633 L.D. 833

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-531)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531)**.

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

READ ONCE.

Committee Amendment "A" (H-531) **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-531)**, in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000" H.P. 565 L.D. 720

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-522)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522)**.

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

READ ONCE.

Committee Amendment "A" (H-522) **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-522)**, 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 to Amend and Improve Education Laws" H.P. 1212 L.D. 1644

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-523)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523)**.

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

READ ONCE.

Committee Amendment "A" (H-523) **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-523)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Access to Assisted Living Services Programs" H.P. 653 L.D. 853

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-489)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-508)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-489) **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-489)**, in **NON-CONCURRENCE**.

(See action later today.)

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 **MARINE RESOURCES** on Bill "An Act to Allow Marine Patrol Officers to Hold Elected Positions" H.P. 1331 L.D. 1788

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-534)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534)**.

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

READ ONCE.

Committee Amendment "A" (H-534) **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-534)**, in concurrence.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Pay for Cleanup of Contamination at a Waste Oil Disposal Site in Plymouth" (EMERGENCY)

H.P. 1051 L.D. 1408

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-496)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)**.

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

READ ONCE.

Committee Amendment "A" (H-496) **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-496)**, 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 Require Lifetime Probation for Dangerous Sexual Offenders"

H.P. 374 L.D. 476

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

Signed:

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
QUINT of Portland
PEAVEY of Woolwich
MITCHELL of Vassalboro
WHEELER of Bridgewater
GERZOFISKY of Brunswick

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-350).**

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

TOBIN of Dexter
SNOWE-MELLO of Poland

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

Reports **READ**.

On motion by Senator **McALEVEY** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER 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 Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Regulate Clear-cutting"

H.P. 1090 L.D. 1459

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

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 "A" (H-530).**

Signed:

Representatives:

HAWES of Standish
VOLENIK of Brooklin

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.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require Lifetime Probation for Dangerous Sexual Offenders"

H.P. 374 L.D. 476

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-350)** (5 members)

Tabled - May 22, 2001, by Senator **McALEVEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 21, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 22, 2001, Reports **READ**.)

Senator **McALEVEY** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **MCALLEVEY** of York to **ACCEPT** the Minority **OUCH TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

An Act to Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions
H.P. 471 L.D. 599
(C "A" H-198; H "A" H-266)

Tabled - May 10, 2001, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 7, 2001, **RECEDED** and **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198) AND HOUSE AMENDMENT "A" (H-266).**)

(In House, May 10, 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 (5/17/01) Assigned matter:

Bill "An Act to Increase Funding for the Maine Dental Education Loan Program"
H.P. 692 L.D. 896

Tabled - May 17, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, May 7, 2001, **PASSED TO BE ENACTED.**)

(In Senate, May 17, 2001, **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 624), in concurrence. **RULES SUSPENDED, RECONSIDERED ENACTMENT. RULES SUSPENDED, RECONSIDERED PASSAGE TO BE ENGROSSED**, in concurrence.)

PASSED TO BE ENGROSSED, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

An Act to Establish a Clean Government Initiative
S.P. 256 L.D. 886
(C "A" S-194)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-194).**)

(In House, May 17, 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 (5/21/01) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Taxation Reporting, to the House, Legislation Relating to Reimbursement for Property Taxes Paid on Business Equipment
H.P. 1354

Tabled - May 21, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **PASSAGE**, in concurrence

(In House, May 21, 2001, **READ** and **PASSED.**)

(In Senate, May 21, 2001, **READ** and **PASSED**. On motion by President Pro Tem **BENNETT** of Oxford, **RECONSIDERED PASSAGE.**)

PASSED, in concurrence.

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1355

**JOINT RESOLUTION COMMEMORATING
LIFEFLIGHT OF MAINE**

WHEREAS, Maine is the 4th most rural state in the country by population and has a large workforce in rural areas dependent on farming, forestry operations and fishing; and

WHEREAS, Maine's woods, lakes, rivers and mountains are nationally recognized as 4-season prime recreational areas; and

WHEREAS, Maine's community acute care hospitals are disbursed across the State, often with lengthy travel times between hospitals; and

WHEREAS, patients in rural areas have a significant increased risk of death and morbidity from trauma and critical illness due to distance and travel times to major trauma and tertiary-care medical centers; and

WHEREAS, patients needing amputations, organ transplants and specialized burn and medical care have often been underserved in Maine due to distance and travel time; and

WHEREAS, an air medical critical care transport system is essential to saving lives in rural areas, is an effective means of improving access to specialty care and integrating community tertiary health care systems and is essential to reducing duplication of expensive fixed medical technology; and

WHEREAS, prior to September 1998, Maine was the only state in the country without access to a dedicated air medical system; and

WHEREAS, Eastern Maine Healthcare and Central Maine Healthcare collaborated in 1998 to form LifeFlight of Maine, which has implemented a cost-effective air medical system with the highest standards of clinical care and flight safety to support all of Maine's hospitals and emergency medical centers, with the following notable achievements:

1. Implementation of an air medical critical care transport system available to all of Maine's citizens and visitors regardless of ability to pay;

2. Transportation of over 500 critically ill or injured patients from every hospital in Maine to specialty centers in Maine and Boston, effectively linking all of Maine's hospitals with needed specialty care;

3. Responses to emergency accident scenes and remote health care clinics and transportation of over 200 critically ill or injured patients from every county in Maine to trauma centers in Maine;

4. Significant contributions to the development of air medical infrastructure by the installation of a statewide communications system, development of flight, communications and refueling

facilities at Eastern Maine Medical Center and Central Maine Medical Center, assistance in the development of dedicated helipads and development of maintenance facilities at Bangor International Airport and the Auburn-Lewiston Municipal Airport; and

5. Implementation of a statewide safety training program for ground personnel, training over 5,000 public safety personnel, fire personnel, emergency medical technicians and paramedics, nurses, physicians and persons working in the northern Maine woods; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this occasion to recognize the 2nd anniversary of LifeFlight of Maine and to commend LifeFlight for its service to all of Maine's citizens and visitors; and be it further

RESOLVED: That we commend LifeFlight's parent organizations, Eastern Maine Healthcare and Central Maine Healthcare, for their vision, commitment and investment on behalf of all the citizens, visitors and health care practitioners of the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the administration of LifeFlight of Maine and the boards of directors of Eastern Maine Healthcare and Central Maine Healthcare.

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

READ.

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

Senator ROTUNDO: Thank you, Mr. President, men and women of the Senate. While thankfully small in numbers, critically ill and injured patients in every community in Maine that need rapid, timely access from the scene of an accident or from one of our excellent community hospitals to specialty physicians, have rapid access through LifeFlight of Maine. LifeFlight's pilots, flight nurses, and flight paramedics, working together with public safety personnel, fire departments, emergency medical services, nurses, physicians, and hospitals, have filled in a piece of a complicated puzzle. They assure that the best of contemporary care when needed and where needed are provided. The resolution today highlights the creation of the accomplishments of one of Maine's newest and most technically sophisticated health care providers. The resolution also recognizes two of the institutions who have made LifeFlight possible. Eastern Maine Health Care and Central Maine Health Care are recognized for their vision and commitment in creating and sustaining LifeFlight. Today we recognize the best in contemporary health care in Maine. I'm also pleased that we have with us in the chamber today representatives from these important institutions, Eastern Maine Health Care, Central Maine Health Care, and LifeFlight of Maine. We're all very grateful to them for their important work. Thank you.

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

Senator **SAWYER**: Thank you, Mr. President, ladies and gentlemen of the Maine Senate. There is an old South African proverb which says 'he who fails to change voluntarily will be changed painfully.' I think the State of Maine has been well served by the efforts of these two fine institutions to help better improve the lives of our neighbors. I am very pleased to support this recognition on their second anniversary. Thank you.

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

Senator **YOUNGBLOOD**: Thank you, Mr. President, ladies and gentlemen of the Senate. It truly a pleasure to support this Joint Resolution. Words cannot explain what this kind of service means to rural, central, eastern, and northern Maine. As one who spends a lot of time in the back country, every time that I hear that helicopter leaving the Bangor area, I say a little prayer that says 'I think we're saving another life.' It's wonderful in this country that we do not put dollars and cents on saving a life. This service is essential. They do a great job. Thank goodness we have administration at the Eastern Maine Health Care and the Central Maine Health Care that does, in fact, put life ahead of the cost of running this sort of service. So again, my congratulations to them.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Eastern and Central Maine Health Care, the staff from LifeFlight of Maine. They are the guests of the Senator from Androscoggin, Senator Rotundo, and the Bangor delegation. Would they please and receive the greetings of the Senate chamber?

Off Record Remarks

ORDERS OF THE DAY

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

An Act to Increase Certain Civil Process Fees
H.P. 874 L.D. 1153
(C "A" H-428)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**, in concurrence.)

(In House, May 17, 2001, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later (5/17/01) Assigned matter:

Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine"

H.P. 1353 L.D. 1810

Tabled - May 17, 2001, by Senator **TREAT** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, May 17, 2001, **PASSED TO BE ENGROSSED**.)

(In Senate, May 17, 2001, **PASSED TO BE ENGROSSED**, in concurrence. Subsequently, on motion by Senator **TREAT** of Kennebec, **RECONSIDERED**.)

On motion Senator **KILKELLY** of Lincoln, Senate Amendment "A" (S-219) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-219), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs

H.P. 333 L.D. 423
(C "A" H-500)

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.

Emergency Measure

An Act to Support the Medical Ride Volunteer Service
S.P. 462 L.D. 1515
(C "A" S-213)

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

An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance
H.P. 423 L.D. 544
(C "A" H-114)

An Act to Protect Children and Incapacitated or Dependent Adults
H.P. 811 L.D. 1066
(C "A" H-498)

An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants
H.P. 952 L.D. 1266
(C "A" H-449)

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Limit Access to Firearms by Those Subject to Protection from Abuse Orders"
H.P. 847 L.D. 1119

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-469)** (7 members)

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

Tabled - May 17, 2001, by Senator **MCALLEVEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

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

(In Senate, May 17, 2001, Reports **READ**.)

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

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

An Act Concerning the Transportation of Juvenile Offenders
H.P. 271 L.D. 349
(C "A" H-455)

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

An Act to Expand Benefits Under the Elderly Low-cost Drug Program
H.P. 742 L.D. 961
(C "A" H-492)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole
H.P. 827 L.D. 1081
(C "A" H-162; H "A" H-482)

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

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

ENACTORS

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

Acts

An Act to Enhance Economic Development Capacity
S.P. 337 L.D. 1144
(C "A" S-212)

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

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

ENACTORS

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

Acts

An Act to Amend the Laws Governing Registers of Deeds
H.P. 991 L.D. 1328
(S "A" S-214 to C "A" H-252)

An Act to Encourage Joint Child Rearing Between Divorced Parents
H.P. 1048 L.D. 1405
(C "A" H-499)

An Act Relating to Licensing Board Fee Caps
H.P. 1267 L.D. 1718
(C "A" H-326; H "A" H-407)

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 Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks
S.P. 431 L.D. 1411
(C "A" S-184)

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

An Act to Prohibit the Misbranding of Genetically Engineered Food
S.P. 569 L.D. 1733
(C "A" S-201)

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

Resolve

Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges
S.P. 132 L.D. 456
(C "A" S-211)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Task Force to Study Growth Management" S.P. 380 L.D. 1278
(C "A" S-139)

In Senate, May 7, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-139)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-139) AS AMENDED BY HOUSE AMENDMENT "B" (H-537)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Joint Order "The Joint Study Committee to Examine Issues Relating to the North American Free Trade Agreement

H.P. 1214

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-521)**

Comes from the House with the Report **READ** and **ACCEPTED** and the Joint Order **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521)**.

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

Joint Order **READ**.

Committee Amendment "A" (H-521) **READ** and **ADOPTED**, in concurrence.

On motion by President Pro Tem **BENNETT** of Oxford, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521)**, in concurrence.

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

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489)**, in **NON-CONCURRENCE**, the following:

Bill "An Act to Ensure Access to Assisted Living Services Programs"

H.P. 653 L.D. 853
(C "A" H-489)

(In House, May 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-508)** thereto.)

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489)**, in **NON-CONCURRENCE**.)

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-489), in **NON-CONCURRENCE**.

House Amendment "A" (H-508) to Committee Amendment "A" (H-489) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-489) as Amended by House Amendment "A" (H-508) thereto, **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-508) thereto, in concurrence.

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

An Act to Prohibit the Misbranding of Genetically Engineered Food

S.P. 569 L.D. 1733
(C "A" S-201)

Tabled - May 22, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201)**.)

(In House, May 21, 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.

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 Resolve, to Establish a Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State (EMERGENCY)

H.P. 1106 L.D. 1475

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-538)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538)**.

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

READ ONCE.

Committee Amendment "A" (H-538) **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-538)**, in concurrence.

ORDERS OF THE DAY

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Laws Pertaining to Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness"

H.P. 1168 L.D. 1568

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-539)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539)**.

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

READ ONCE.

Committee Amendment "A" (H-539) **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-539)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services (EMERGENCY)

H.P. 1321 L.D. 1782

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-540)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)**.

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

READ ONCE.

Committee Amendment "A" (H-540) **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-540)**, in concurrence.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Buckfield Village Corporation" (EMERGENCY)

H.P. 1343 L.D. 1798

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-535)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-535)**.

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

READ ONCE.

Committee Amendment "A" (H-535) **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-535)**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **YOUNGBLOOD** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Administration of County Government"

S.P. 391 L.D. 1287

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-231)**.

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

READ ONCE.

Committee Amendment "A" (S-231) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231)**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

H.P. 1312 L.D. 1776

This being an Emergency Measure and 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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety

H.P. 1313 L.D. 1777

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 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.

Off Record Remarks

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

ENACTORS

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

Resolves

Resolve, to Establish a Task Force to Refine the Governance and Funding of the Education Research Institute

H.P. 950 L.D. 1264
(C "A" H-487)

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

(See action later today.)

Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program

H.P. 177 L.D. 188
(C "A" H-511)

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

Resolve, to Reduce Unnecessary Controversy in the Workers' Compensation System

S.P. 198 L.D. 670
(C "A" S-189)

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

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

ENACTORS

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

Acts

An Act to Continue the Privacy Protection of Health Care Information

H.P. 209 L.D. 244

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

An Act to Increase the Forest Management Planning Income Tax Credit

H.P. 306 L.D. 384
(H "A" H-427; H "B" H-473 to C "A" H-359)

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

An Act to Require Election Law Training to Voter Registrars and Clerks

H.P. 483 L.D. 623
(C "A" H-503)

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

An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs

S.P. 376 L.D. 1214
(S "A" S-174)

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

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service

H.P. 941 L.D. 1255
(H "B" H-483 to C "A" H-437)

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

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

ENACTORS

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

Acts

An Act to Amend the Laws Governing the Suspension and Revocation of Hunting and Fishing Licenses

H.P. 1095 L.D. 1464
(S "A" S-218)

An Act to Amend School Immunizations Requirements

H.P. 1163 L.D. 1563
(C "A" H-446)

An Act Requiring Cigarette Distributors to Determine Compliance of Manufacturers with Tobacco Manufacturers Laws

H.P. 1339 L.D. 1794

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 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
(C "A" H-501)

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

ORDERS OF THE DAY

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

Resolve

Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program

H.P. 177 L.D. 188
(C "A" H-511)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**, in concurrence.)

(In House, May 22, 2001, **FINALLY PASSED.**)

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

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

An Act to Increase the Forest Management Planning Income Tax Credit

H.P. 306 L.D. 384
(H "A" H-427; H "B" H-473 to C "A" H-359)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2001, on motion by Senator **GAGNON** of Kennebec, **RECEDED** and **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359) AS AMENDED BY HOUSE AMENDMENTS "A" (H-427) AND "B" (H-473)** thereto.)

(In House, May 22, 2001, **PASSED TO BE ENACTED.**)

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

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

An Act to Require Election Law Training to Voter Registrars and Clerks

H.P. 483 L.D. 623
(C "A" H-503)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**, in concurrence.)

(In House, May 22, 2001, **PASSED TO BE ENACTED.**)

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

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

An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs

S.P. 376 L.D. 1214
(S "A" S-174)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2001, on motion by Senator **KILKELLY** of Lincoln, **RECEDED** and **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-174).**)

(In House, May 22, 2001, **PASSED TO BE ENACTED.**)

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

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

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service

H.P. 941 L.D. 1255
(H "B" H-483 to C "A" H-437)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2001, on motion by Senator **EDMONDS** of Cumberland, **RECEDED** and **CONCURRED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437) AS AMENDED BY HOUSE AMENDMENT "B" (H-483)** thereto.)

(In House, May 22, 2001, **PASSED TO BE ENACTED.**)

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

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

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
(C "A" H-501)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501)**, in concurrence.)

(In House, May 22, 2001, **PASSED TO BE ENACTED.**)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **YOUNGBLOOD** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Membership of Certain Boards to Include The Department of Administrative and Financial Services"

S.P. 581 L.D. 1759

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-232).**

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

READ ONCE.

Committee Amendment "A" (S-232) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-232).**

Sent down for concurrence.

Senator YOUNGBLOOD for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

S.P. 615 L.D. 1795

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-233)**.

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

READ ONCE.

Committee Amendment "A" (S-233) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-233)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime" (EMERGENCY)

S.P. 174 L.D. 602

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

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
TOBIN of Dexter
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:

QUINT of Portland
PEAVEY of Woolwich
GERZOFSKY of Brunswick
MITCHELL of Vassalboro

Reports **READ**.

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

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend Eminent Domain Powers"

H.P. 99 L.D. 103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-528)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
CRESSEY of Baldwin
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:

Senator:
ROTUNDO of Androscoggin

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-528)**.

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-528) **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-528)**, in concurrence.

Off Record Remarks

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require Lifetime Probation for Dangerous Sexual Offenders"

H.P. 374 L.D. 476

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-350)** (5 members)

Tabled - May 22, 2001, by Senator **TREAT** of Kennebec

Pending - motion by Senator **MCALLEVEY** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, May 21, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 22, 2001, Reports **READ**.)

On motion by Senator **MCALLEVEY** of York, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-350) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-350)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales"
H.P. 14 L.D. 14

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-456)** (4 members)

Tabled - May 22, 2001, by Senator **MARTIN** of Aroostook

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

(In House, May 21, 2001, 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-456)**.)

(In Senate, May 22, 2001, Reports **READ**.)

President Pro Tem **BENNETT** of Oxford requested a Division.

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

Senator **MCALVEY:** Thank you, Mr. President, men and women of the Senate. I would ask you to consider a number of things, and I'll keep this very brief, before you vote on this issue. There are a lot of dynamics that goes along with this proposed legislation. I'd ask you to concentrate on 2 issues. One, separate the money from the legislation. Would you be supporting this if there hadn't been money from the federal government coming to support this program? Secondly, I have a problem with placing juveniles in this position. I have all along, ever since the beginning. We do not, by design from the Attorney General's Office, use children to purchase drugs, alcohol, handguns. We do not use juveniles to stand on the corner soliciting johns. There are very good reasons for this. Why should we be using them in this process, to go after people who violate the law? I believe the firmest punishment should be levied against any clerk or store that does sell cigarettes to juveniles. But the choke point is not the stores. The choke point is in the parking lot where they young adults buy the cigarettes, take them out, and then turn around and resell them to their buddies. I see no enforcement there. That's where the emphasis of the enforcement should be. It should be putting pressure on these people to roll up on who the responsible adult was that sold them the cigarettes. That's how you put an end to this. But the crutch is this, I don't think this is good public policy that we use minors to enforce this type of law. For those who argue that 'well, we'll lose a lot of federal money', I would say to you we should not use that as an argument. What does that make us? I won't use that word in this chamber because I have too much respect for this chamber. Thank you very much.

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

Senator **LONGLEY:** Mr. President, I rise in support of the motion Ought Not to Pass. I arrived at this position after a lot of listening and a lot of thinking. Everyone is exactly right to have an ethically tough time deciding which side to vote on. In all honesty, there's good ethical reasons for both. I won't say there's not. In the initial vote in committee, I voted the opposite way. Then I went home and I read a letter from a constituent that came soon there after. He made a very persuasive point. The point that persuaded me was the point that, given the way the tobacco industry has exploited youth and we've watched them testify in Congress and deny all sorts of things that they later came forward and admitted about not going after youth, the fact of the matter is they have gone after youth. The point that my constituent made is why not empower our youth to fight back on that exploitation. I finished that e-mail and I came into this State House and I went to committee and asked to change my vote. That is what persuaded me. Given all the ethical dilemmas that you are very rightfully having, remember that this is an opportunity to empower our youth to fight the way that the tobacco industry has exploited them. 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. One of the things that I do, and have done for several years, is act as an advisor for the Model State Legislature, the YMCA Model Legislature. It has always been a fascination to me that as they sit here and debate in our seats these kinds of issues that the arguments are the same, the challenges are the same, and they struggle as much with decisions as we do. We had some down time at the session, so we picked out 3 bills for them to discuss that were not part of their regular legislative agenda, but something for them to talk about. This was one of the bills. So what I did was pull the bill out and just said 'this is what the bill would do, this is what's currently going on' and just opened it to the floor for them to have a discussion and then they took a vote on it afterwards. When we were in the process of doing that, some interesting issues came out. First of all, they were astounded, these were kids 15 to 18, that anybody would think that if someone volunteered to participate in this kind of a program, had gone through training, had their parent's permission to participate in this kind of a program, that they would be so naïve and so confused that they wouldn't understand what it was they were participating in. They just couldn't understand why any adult would think that. One of the things I thought was the most fascinating was a young man who got up and said 'this is a good way to teach kids the consequences of bad behavior.' He took that a step further and said 'what it does is it lets us know that when you break the law there are consequences.' If you're a store owner and you're selling cigarettes to a minor, there is a consequence for doing that. You are going to get a fine. You are going to lose your license or whatever happens. This is a way to reinforce that we're serious about that, we're serious about this law and there are consequences for bad behavior. They talked about the bill for probably an hour and then they voted. It was unanimous that this bill should not pass and this came from the very age group, the very students, that would be the kind of kids that would probably be involved in this program. I just wanted to share that with you because I thought it was really an interesting opportunity for us to have a connection with the Model Legislative folks who do sit in our very seats and the kids who were, in fact, the most impacted by this. They want to be involved in the solution. They want to be empowered in the process. They felt this was a good way to do it. Thank you.

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

Senator **DAVIS:** Thank you very much, Mr. President, ladies and gentlemen of the Senate. There hasn't been anything said here this afternoon that I disagree with, especially the good Senator from Waldo, Senator Longley, when she says it's an inner struggle for everyone because I believe it is. I also believe that the tobacco companies do exploit youth. I believe they exploit everyone. I have no use or any love at all for the tobacco companies. It's been a struggle, somewhat, for me on this issue because I like good police work. I've seen a lot of good police work and I've seen some poor police work. Sting operations, when done with adults and done properly, are at best controversial. They never are without their controversy. I consider 15 and 17 year olds children and I know if you go and ask them, as the good Senator from Lincoln, Senator Kilkelly, just commented, they would probably want to do it. But that doesn't mean that the government should be sanctioning such activity. I don't think they should. I think there are other ways to do this.

Last week I put a sentiment in our calendar to honor a police officer who arrested a serial murderer, a man that was going around killing his wives and girlfriends and had done it for years. He did a tremendous amount of work on this. It was an unbelievable, long and tedious investigation. He had to travel across the United States a couple of times. That's good police work. That's excellent police work. I believe, in my heart, that we need to do everything we can to control the sale of tobacco to youth. But we need to be very careful how we do it and to do it according to the constitution and also be very careful with our youth. I will be voting against this today. Thank you very much.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 25 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Conform the State's Financial Services Privacy Laws with Federal Law" (EMERGENCY)

S.P. 521 L.D. 1640

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-235)**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland
MICHAEL of Auburn
SMITH of Van Buren
CANAVAN of Waterville
MARRACHE of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-236)**.

Signed:

Senator:

ABROMSON of Cumberland

Representatives:

YOUNG of Limestone
MAYO of Bath
O'NEIL of Saco
SULLIVAN of Biddeford
GLYNN of South Portland

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-235)** 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 BY COMMITTEE AMENDMENT "A" (S-235)** Report.

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 **BUSINESS AND ECONOMIC DEVELOPMENT** Bill "An Act to Enhance the Observance of Veterans' Holidays"

H.P. 937 L.D. 1251

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-465)** (1 member)

In House, May 16, 2001, 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-465)**.

In Senate, May 17, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **SHOREY** of Washington moved the Senate **INSIST**.

The Chair ordered a Division. 11 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **SHOREY** of Washington to **INSIST, FAILED**.

Senator **MARTIN** of Aroostook moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

At the request of Senator **SMALL** of Sagadahoc a Division was had. 23 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE, PREVAILED.**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

S.P. 209 L.D. 774
(C "A" S-96; S "A" S-149)

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

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

In Senate, May 15, 2001, Reports **READ**. On motion by Senator **MC ALEVEY** of York, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-96) **READ** and **ADOPTED. READ A SECOND TIME.** On motion by Senator **O'GARA** of Cumberland, **SENATE AMENDMENT "A" (S-149) READ** and **ADOPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96) AND SENATE AMENDMENT "A" (S-149).**

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

On motion by Senator **O'GARA** of Cumberland, the Senate **INSISTED.**

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Fire Investigation and Prevention Tax, Repeal Certain Fire Inspection Fees and Direct the Commissioner of Public Safety to Set Certain Fire Inspection Fees by Rule"

S.P. 418 L.D. 1362

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241).**

Signed:

Senators:

MC ALEVEY of York
O'GARA of Cumberland

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
PEAVEY of Woolwich
GERZOFISKY of Brunswick
MITCHELL of Vassalboro

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

Signed:

Representatives:

TOBIN of Dexter
QUINT of Portland
SNOWE-MELLO of Poland
WHEELER of Bridgewater

Reports **READ.**

Senator **MC ALEVEY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **MC ALEVEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Election Laws"

H.P. 798 L.D. 1042

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-527)**

Tabled - May 22, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ACCEPTANCE OF REPORT**

(In House, May 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527).**)

(In Senate, May 22, 2001, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-527) **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-527)**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State"

S.P. 476 L.D. 1540

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-234)**.

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

READ ONCE.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234)**.

Sent down for concurrence.

Senator O'GARA for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities"

S.P. 331 L.D. 1099

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

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

READ ONCE.

Committee Amendment "A" (S-239) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239)**.

Sent down for concurrence.

Senator MARTIN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Assist Families in Meeting their Basic Needs" (EMERGENCY)

S.P. 371 L.D. 1209

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-238)**.

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

READ ONCE.

Committee Amendment "A" (S-238) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)**.

Sent down for concurrence.

Senator TURNER for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Reimbursement of Podiatrists (EMERGENCY)

S.P. 445 L.D. 1499

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-237)**.

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

READ ONCE.

Committee Amendment "A" (S-237) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Insurance Guaranty Association Act"

S.P. 268 L.D. 915

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-240).**

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

READ ONCE.

Committee Amendment "A" (S-240) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240).**

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Penalty for Criminal Homicide Caused by a Person Operating a Motor Vehicle While Under the Influence" S.P. 316 L.D. 1084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242).**

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
TOBIN of Dexter
PEAVEY of Woolwich
SNOWE-MELLO of Poland
GERZOFKY of Brunswick
WHEELER of Bridgewater

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

Signed:

Representatives:

QUINT of Portland
MITCHELL of Vassalboro

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-242) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-242).**

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. 1356

ORDERED, the Senate concurring, that Bill, "An Act to Amend Certain Motor Vehicle Laws," H.P. 1223, L.D. 1664, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Calculation of Consumer Income in Home-based Care Programs

H.P. 1127 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-548).**

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
KANE of Saco
O'BRIEN of Augusta
NUTTING of Oakland

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

Signed:

Representatives:

FULLER of Manchester
SHIELDS of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-548) **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-548)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LABOR** on Bill "An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits"

H.P. 573 L.D. 728

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-546)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-546)**.

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

READ ONCE.

Committee Amendment "A" (H-546) **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-546)**, 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 to Improve the Health Care and Forensic Response for Victims of Sexual Assault"

H.P. 1133 L.D. 1530

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-550)**.

Signed:

Senators:

RAND of Cumberland
FERGUSON of Oxford
McALEVEY of York

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 "B" (H-551)**.

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)**.

Reports **READ**.

On motion by Senator **FERGUSON** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-550) **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-550)**, in concurrence.

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECONSIDERED** whereby it **FINALLY PASSED**, in concurrence, the following:

Resolve

Resolve, to Establish a Task Force to Refine the Governance and Funding of the Education Research Institute

H.P. 950 L.D. 1264
(C "A" H-487)

(In Senate, May 22, 2001, **FINALLY PASSED**, in concurrence.)

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

ORDERS OF THE DAY

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

Emergency Measure

An Act to Create the Healthy Maine Prescription Program

H.P. 1334 L.D. 1790
(C "A" H-520)

Tabled - May 22, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-520)**, in concurrence.)

(In House, May 21, 2001, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#67)

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

NAYS: Senators: **None**

ABSENT: Senators: **PENDLETON, RAND**

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Resolve

Resolve, to Establish a Task Force to Refine the Governance and Funding of the Education Research Institute

H.P. 950 L.D. 1264
(C "A" H-487)

Tabled - May 22, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In House, May 22, 2001, **FINALLY PASSED**.)

(In Senate, May 22, 2001, **FINALLY PASSED**, in concurrence. Subsequently, on motion by Senator **DAGGETT** of Kennebec, **RECONSIDERED**.)

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

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Increase the Fire Investigation and Prevention Tax, Repeal Certain Fire Inspection Fees and Direct the Commissioner of Public Safety to Set Certain Fire Inspection Fees by Rule"

S.P. 418 L.D. 1362

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-241)** (8 members)

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

Tabled - May 22, 2001, by Senator **GAGNON** of Kennebec

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

(In Senate, May 22, 2001, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-241) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241)**.

Sent down for concurrence.

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

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Wednesday, May 23, 2001, at 9:00 in the morning.