

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

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First Confirmation Session
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Second Confirmation Session
December 6, 2001

Second Regular Session
January 2, 2002 to April 1, 2002

Pages 912 - 1844

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

In Senate Chamber
Friday
May 25, 2001

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

Prayer by Chaplain Scott Dow of the Augusta Mental Health Institute in Augusta.

CHAPLAIN DOW: Holy and loving God, we bow in reverence before You for this brief moment in our busyness and in the tensions of the times. Our prayerful pause helps us to focus on our purpose. Our prayerful pause helps us to focus on our values. Our prayerful pause helps us to focus on our intentions. Our prayerful pause helps us to focus on our faith. Today there are many things we request of You, oh God, realizing that You know the inner most desires of our hearts. In this prayer, we offer our attention to those few things which You require of us as we are reminded by the ancient prophet, 'he has told you, oh mortal, what is good and what does the Lord require of you but to do justice, and to love kindness and to walk humbly with your God?' In our roles as citizens, as family members, as leaders of our communities, and as legislators of this State of Maine help us to live out these simple and serious requirements. Amen.

Doctor of the day, Jessika Turner Morin, M.D., U.S. Army Medical Corps.

Reading of the Journal of Thursday, May 24, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

H.P. 603 L.D. 758

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-464)** (7 members)

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

In House, May 22, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AND HOUSE AMENDMENT "A" (H-541)**.

In Senate, May 24, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

On motion by Senator **BROMLEY** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **SHOREY** of Washington to **ADHERE**.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE** on Resolve, to Implement Additional Recommendations of the MCJUSTIS Board
H.P. 1279 L.D. 1739

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

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

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

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Require Licensing of Domestic Cats"

H.P. 1072 L.D. 1435

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-603)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-603)**.

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

READ ONCE.

Committee Amendment "A" (H-603) **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-603)**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Committee to Study Further Decriminalization of the Criminal Laws of Maine"
H.P. 1086 L.D. 1455

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-604)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**.

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

READ ONCE.

Committee Amendment "A" (H-604) **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-604)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Provisions Governing Reports by Political Action Committees Administered by the Commission on Governmental Ethics and Election Practices"
H.P. 1013 L.D. 1350

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-602)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)**.

Report **READ**.

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

The Committee on **TRANSPORTATION** on Bill "An Act Regarding the Budget for the Maine Turnpike Authority for 2002"
H.P. 957 L.D. 1271

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-598)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)**.

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

READ ONCE.

Committee Amendment "A" (H-598) **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-598)**, in concurrence.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Managed Care Provider Agreements"
H.P. 336 L.D. 426

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-588)**.

Signed:

Representatives:

DUDLEY of Portland
MICHAEL of Auburn
SMITH of Van Buren
YOUNG of Limestone
MAYO of Bath
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHE of Waterville
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-589)**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representative:

O'NEIL of Saco

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**.

Reports **READ**.

Senator **LaFOUNTAIN** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-589)** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-589)** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Relief from High Fuel Costs"

H.P. 1177 L.D. 1600

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

Signed:

Senators:

YOUNGBLOOD of Penobscot
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
MORRISON of Baileyville
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk
MICHAUD of Fort Kent
HATCH of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Signed:

Senator:

SHOREY of Washington

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase the Homestead Property Tax Exemption from \$7,000 to \$10,000"

H.P. 116 L.D. 120

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:

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

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

Signed:

Representative:

BUMPS of China

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-600)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-600) **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-600)**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Change the Ad Valorem Tax on Certain Smokeless Tobacco Products to a Weight-based Tax"

H.P. 519 L.D. 674

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

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:

GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
McGOWAN of Pittsfield
MURPHY of Berwick
BUCK of Yarmouth
BUMPS of China
BOWLES of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-601).**

Signed:

Representatives:

PERRY of Bangor
McLAUGHLIN of Cape Elizabeth

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

Reports **READ**.

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

Senate

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Change the Retirement Eligibility Requirement for Game Wardens"

S.P. 495 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-257).**

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

MATTHEWS of Winslow
DAVIS of Falmouth
TREADWELL of Carmel
BUNKER of Kossuth Township
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren

TARAZEWICH of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-258).**

Signed:

Representatives:

CRESSEY of Baldwin
MacDOUGALL of North Berwick

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-257)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-257) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-257).**

Sent down for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate

Bill "An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species" (EMERGENCY)

S.P. 630 L.D. 1812

READ A SECOND TIME 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.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Change the Status of the Discount State Liquor Store in Calais"

H.P. 984 L.D. 1321

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-502)**

Tabled - May 24, 2001, by Senator **SHOREY** of Washington

Pending - **ACCEPTANCE OF REPORT**, in **NON-CONCURRENCE**

(In House, May 24, 2001, Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, May 24, 2001, Report **READ**.)

On motion by Senator **SHOREY** of Washington, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission"

S.P. 360 L.D. 1198

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

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-253)** (6 members)

Tabled - May 24, 2001, by Senator **KNEELAND** of Aroostook

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

(In Senate, May 24, 2001, Reports **READ**.)

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. May I pose a question? The motion is to accept the Ought to Pass Report?

THE PRESIDENT: That is correct.

Senator **NUTTING:** I, in committee, voted for the Ought Not to Pass Report and was not aware that another work session was held and some committee members had changed the amendment and the bill looks a little different now. I originally had concerns. This is the bill that removes the 40 acre subdivision for development, some would say, loophole, in the unorganized territory. The amendment clarifies that if you're still going to do forestry or agriculture, you still can participate in

selling 40 acre lots without review. But if you're doing a housing development or building a house, this Minority Report proposes that if you create a 40 acre lot, you still would have to go through LURC review in deciding the building of your home or your camp. I do have concerns that we are changing the rules somewhat for those that own land up there. But what's happening is that people are buying a section of land carving it up into 40 acre lots, and frankly, haven't told the buying public much about those lots and they are quickly resold. It's kind of called liquidation harvesting. My frustration with this bill is that previous attempts by this legislature to deal with liquidation harvesting have been opposed by the Department of Conservation. Now they are bringing forth this bill partially to attempt to deal with liquidation harvesting. I do see their point. I'm not saying they are not connected. I'm just frustrated that when we had a chance two years ago to deal with liquidation harvesting, the Department opposed it. I believe they are now reassessing their position on this issue. So I am going to be supporting the Minority Ought to Pass Report. I have some concerns but people still will be able to build a camp or a home in these lots. I do have to compliment the Land Use Regulation Commission. If you go there, and our committee always goes there at the beginning of the session for our introductory tours, you'll see big graphs on the walls. It's the average time between when you've applied for something and when you receive your permit. They've done a great job in the last two years in shortening that time period and trying to streamline the process. I want to compliment them for that. So I am going to be voting for the Minority Ought to Pass Report. I would urge you to do the same. I just felt as if I needed to stand and briefly explain my position. Thank you.

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

Senator **FERGUSON:** Thank you very much, Mr. President, ladies and gentlemen of the Senate. Once again we have big government sticking their noses into people's business. In my judgment, it hasn't been a serious problem. If you have a 40 acre subdivision, it seems to me that you'd have adequate land in order to put your sewerage facilities without any problem of imposing on your neighbors. I would urge you to vote against the motion that is on the board so we could go and adopt the Ought Not to Pass, the Majority Report. Seems to me that government is very, very intrusive and they're always expanding, pushing the bar a little higher on our citizens. If someone wants to put a hunting camp on 40 acres, it seems to me that they ought to be able to do that. They can do it now and the Land Use Regulation Commission is once again expanding their authority and I'm against that. I believe a majority of the citizens in the state are against it and a majority of the Agriculture Committee are against it. Therefore, I would ask you to vote against this motion so we can go on and adopt the Ought Not to Pass Report. Thank you, Mr. President.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. I would draw your attention to a handout that I've provided from the Small Wood Lot Owners Association of Maine, SWOAM, who are very much in support of this bill. If there is a group that's more concerned about property rights and private ownership I'm not sure I know it. So when SWOAM comes on

board and says we are concerned about this issue and we think that the 40 acre exemption is a problem and ought to be addressed, it's one that I really listen to a lot. When the comment was made by the previous speaker that if you have a 40 acre lot, you certainly have a place for a septic system, you have a place for a camp, and isn't this a wonderful thing. I want to tell you about a map that we saw in committee. It was a map of one area that was, in fact, subdivided into 40 acre lots. One of those 40 acre lots was in high area, mountainous area, where LURC does not allow any building at all. No exceptions, no variances, no building. On that 40 acre parcel there was one very tiny corner that might be available for a house lot or for a camp. One of the things that concerned the Agriculture Committee greatly, either the minority or the majority on the committee, was that there is currently no requirement that, if I were to go and purchase that 40 acre lot, I would be told that the only place that I could build would be on that tiny corner because, as I buy the 40 acre lot and I look at this great expansive of land, I could think 'well, I'm going to put a camp here and a few years from now I can have a 5 acre lot that gets taken off from that so maybe my kids can have a camp and we've got these 40 acres and this is a great thing.' That 40 acre parcel is nearly useless except for looking at the land. It is useless in terms of development and the people purchasing it will not know. They will not have that information. What we've created with the 40 acre exemption is an opportunity, a permission, an expectation, for people to create 40 acre lots because they can do it without having to get any kind of permission, without getting any kind of subdivision authority. So we're going to create 40 acre lots. We've heard that these are more affordable. If somebody wants to do agriculture, if somebody wants to do forestry, this is a way for them to buy an affordable lot. We have created that exemption. If someone wants to buy it for forestry purposes or agriculture purposes, it can still go without a subdivision approval. But if they're purchasing it in order to put a house on that property, we believe it ought to go through subdivision approval. We've heard again that it's a more affordable lot. Well, it is a more affordable lot because, you know what, they don't have to build roads to it. They don't have to make sure that there is the capacity to build roads to it. They don't have to make sure that the land is, in fact, available for building. So while it may be more affordable, it may be that you're buying something that, frankly, is absolutely useless to you. We're concerned about that. When the developers came to our committee and said, 'we don't want to have to put on that map, we don't want to have to put that information out that somebody can't build on this 40 acre lot except in the corner.' When we say the letter from the attorney for the developer who said, 'we don't want to provide that information,' many of us on the committee were gravely concerned about the marketing practices of somebody who would create 40 acre lots, sell them to people who would not at the time they purchased them know that they could not, in fact, build except on a tiny, tiny corner of that parcel. It's not right. It's not okay for that to happen. I think this bill is a step in the right direction. I hope that you will support the Minority, which I think may now may even be the majority, Ought to Pass Report. Thank you.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending motion by Senator **KNEELAND** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Off Record Remarks

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

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

RECESSED until 11:00 in the morning.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: H.C. 280

**STATE OF MAINE
HOUSE OF REPRESENTATIVES**

May 24, 2001

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

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on LEGAL AND VETERANS AFFAIRS Bill "An Act to Allow Telephone Wagering for Horse Racing"
(H.P. 928) (L.D. 1242)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Managed Care Provider Agreements"

H.P. 336 L.D. 426

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-588)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-589)** (4 members)

Tabled - May 25, 2001, by Senator **LAFOUNTAIN** of York

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-589)** Report, in **NON-CONCURRENCE**

(In House, May 24, 2001, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**.)

(In Senate, May 25, 2001, Reports **READ**.)

On motion by Senator **LAFOUNTAIN** of York, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-589)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "B" (H-589) **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 "B" (H-589)**, 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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Relief from High Fuel Costs"

H.P. 1177 L.D. 1600

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-599)** (1 member)

Tabled - May 25, 2001, by Senator **SHOREY** of Washington

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 24, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 25, 2001, Reports **READ**.)

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

Senator **SHOREY** of Washington was granted unanimous consent to address the Senate off the Record.

The Chair laid before the Senate the following Tabled and Later (4/24/01) Assigned matter:

JOINT ORDER - relative to the Legislative Information Office preparing a Register of all the Bills and Resolves considered by both branches of the Legislature

H.P. 4
(S "A" S-1)

Tabled - April 24, 2001, by Senator **SMALL** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In House, December 6, 2000, **READ** and **PASSED**.)

(In Senate, January 9, 2001, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-1)**, in **NON-CONCURRENCE**.)

(In House, April 12, 2001, that Body **ADHERED**.)

On motion by Senator **SMALL** of Sagadahoc, the Senate **RECEDED** from whereby the Joint Order was **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-1)**, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "A" (S-1)**.

On further motion by same Senator, Senate Amendment "A" (S-1) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "B" (S-263) **READ** and **ADOPTED**.

PASSED AS AMENDED BY SENATE AMENDMENT "B" (S-263), in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/24/01) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Patient Access to Medicines"

S.P. 572 L.D. 1744

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-255)** (1 member)

Tabled - May 24, 2001, by Senator **TURNER** of Cumberland

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

(In Senate, May 24, 2001, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/24/01) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the State Harness Racing Commission to Appoint Judges for Harness Races"

H.P. 220 L.D. 255

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

Minority - **Ought to Pass As Amended by Committee Amendment "A" (H-506)** (6 members)

Tabled - May 24, 2001, by Senator **WOODCOCK** of Franklin

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

(In House, May 24, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 24, 2001, Reports **READ**.)

The Chair ordered a Division. 28 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/24/01) Assigned matter:

HOUSE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Permit Foster Parents to Purchase Group Health Insurance"

H.P. 275 L.D. 353

Majority - **Ought to Pass** (7 members)

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

Tabled - May 24, 2001, by Senator **TREAT** of Kennebec

Pending - motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 24, 2001, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 24, 2001, Reports **READ**.)

Senator **LAFOUNTAIN** of York requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **LAFOUNTAIN** of York, Senate Amendment "A" (S-264) **READ**.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President. For those of you who are scurrying through your black books looking for the amendment, it's probably not in the book yet, it's probably in the pile before you. What this amendment does is address the concerns raised by some of those in the chamber yesterday who raised issues with the report coming from the committee. It will now allow foster parents to be treated similarly to those such as the visually impaired individuals who did, or may still, operate the shop downstairs to allow them to buy into the State Employee Health Plan, provided that they pay from dollar one. Thank you.

On motion by Senator **LAFOUNTAIN** of York, Senate Amendment "A" (S-264) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-264), in NON-CONCURRENCE.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Limit Access to Firearms by Those Subject to Protection from Abuse Orders"

H.P. 847 L.D. 1119
(S "A" S-243 to C "A" H-469)

In Senate, May 23, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469) AS AMENDED BY SENATE AMENDMENT "A" (S-243)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469)**, in **NON-CONCURRENCE**.

Senator **MILLS** of Somerset moved the Senate **RECEDE** and **CONCUR**.

Same Senator requested a Roll Call.

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

Senator **MILLS:** Mr. President, when we addressed this bill the other day I thought many of us in this chamber made a conscious effort to improve the status of the bill with a floor amendment that would have, in very narrowly constrained circumstances, given the judge the power to remove firearms only in those cases where there had been an actual record of violent behavior by the defendant or in those occasions when there had been a threat of actual use of a dangerous weapon by the defendant. It is my sense of how this system works, the protection from abuse system, that I think it's somewhat common for someone who actually uses a weapon to give verbal warning or threat of using it in advance of doing so. I think that's a fact and a pattern that we see. Secondly, I think it's very rare, although I think people often times distort the truth when they go to court and sometimes lie when they fill out these forms even though they are under oath, I think it's highly unusual for a person to lie about a threat of use of a dangerous weapon. I think that's the kind of thing that people would most commonly tell the truth about if they were going to court. It does not appear that this amendment will have any viability. It does not appear, therefore, in my view, that the bill should have any viability. I respect very greatly those who had the courage to vote for that amendment and for the bill the other day. I am grateful for your assistance. At this juncture, I think the only proper response, and the only proper vote at this juncture, is to join with the other chamber to kill the bill. Therefore, I am moving to Recede and Concur and would urge this chamber to join with me on the roll call. Thank you.

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

The Chair noted the absence of the Senator from Cumberland, Senator **ABROMSON** and President Pro Tem **BENNETT** of

Oxford and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#87)

YEAS: Senators: CARPENTER, DAVIS, FERGUSON, GAGNON, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, NUTTING, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GOLDTHWAIT, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT

EXCUSED: Senators: ABROMSON, BENNETT

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MILLS** of Somerset to **RECEDE** and **CONCUR**, **PREVAILED**.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

RECALLED FROM GOVERNOR'S DESK

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

(In Senate, May 15, 2001, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order S.P. 632, in concurrence.)

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

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

On further motion by same Senator, **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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth" H.P. 728 L.D. 948 (C "A" H-554)

In House, May 24, 2001, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

In Senate, May 24, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554)**, in **NON-CONCURRENCE**.

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

On motion by Senator **SAVAGE** of Knox, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

Off Record Remarks

Senator **O'GARA** of Cumberland was granted unanimous consent to address the Senate off the Record.

RECESSED until 1:05 in the afternoon.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 317

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

May 23, 2001

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

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1013 An Act to Require Committee Approval for Certain Purchases Proposed by the Land for Maine's Future Board

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

Sincerely,

S/Sen. Richard Kneeland
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

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

The Following Communication: S.C. 318

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

May 23, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 694 An Act to Fund the Pulp and Paper Technology Program at Kennebec Valley Technical College

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

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. Randall L. Berry
House Chair

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

The Following Communication: S.C. 319

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON
BUSINESS AND ECONOMIC DEVELOPMENT**

May 23, 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 Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 322 An Act to Amend the Motor Vehicle Franchise Laws

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

Sincerely,

S/Sen. Kevin L. Shorey
Senate Chair

S/Rep. John G. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 320

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

May 23, 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 bill out "Ought Not to Pass":

L.D. 233 An Act to Criminalize the Possession of Theft Tools

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. 321

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

May 23, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 334 An Act to Provide Incentives to Families Who Save for College

L.D. 659 Resolve, to Promote the Blueberry Industry

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. 322

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

May 23, 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":

H.P. 1139 Joint Study Order Relative to the Joint Select Commission to Review Compensation in the Office of Disability Determination Services

H.P. 1141 Joint Study Order Relative to the Joint Select Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Place

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

Sincerely,

S/Sen. Susan W. Longley
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

The Following Communication: S.C. 323

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

May 23, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1619 Resolve, to Establish a Commission to Study Maine's Election Procedures and Voting Laws

L.D. 1686 An Act to Amend the Laws Governing Elections

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

Sincerely,

S/Sen. Neria R. Douglass
Senate Chair

S/Rep. John L. Tuttle, Jr.
House Chair

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

The Following Communication: S.C. 324

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

May 23, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1045 An Act to Ban the Permitting or Expansion of Existing Sewage Outfalls into the Ocean

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Scott W. Cowger
House Chair

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

The Following Communication: S.C. 325

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

May 23, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1375 An Act to Establish Minimum Standards of Eligibility for the Property Tax Exemption for Charitable Institutions

L.D. 1497 An Act to Clarify the Definition of Commercial Agricultural Production

L.D. 1780 An Act to Support Businesses that Reduce Pollution

L.D. 1801 Resolve, to Modify the State Valuation for the
HoltraChem Property in the Town of Orrington

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

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Bonnie Green
House Chair

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

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 Resolve, to Create the Commission to Study Privacy Laws (EMERGENCY)
H.P. 672 L.D. 872

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-606)**.

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
MENDROS of Lewiston

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

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-606).

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-606) **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-606)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Clarify Work Search"
H.P. 671 L.D. 871

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

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township
CRESSEY of Baldwin
DAVIS of Falmouth
MacDOUGALL of North Berwick
TREADWELL of Carmel
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Representatives:

MATTHEWS of Winslow
HUTTON of Bowdoinham

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

Reports **READ**.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Clarify Rights of Retainage in Public Construction Contracts"

S.P. 514 L.D. 1633

Tabled - May 24, 2001, by Senator **MILLS** of Somerset

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-245)**

(In Senate, May 24, 2001, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)**. Subsequently, on motion by Senator **MILLS** of Somerset, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED**. On further motion by same Senator, **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-245).)

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-267) to Committee Amendment "A" (S-245) **READ**.

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

Senator MILLS: Mr. President, this is the bill concerning authorized retainage levels in public works contracts. When it was presented yesterday in this chamber, who was gracious enough to adopt it, we noticed that it had a mandate fiscal note on it. We were somewhat concerned to understand why because prior bills had been more complicated than this one, and arguably more burdensome than this one, did not contain such a mandate. We, when exploring it, found the reason and it was a good reason. It was thought, by the fiscal office, that the requirement to pay for punch list items as they were completed might require the school district, for example, to be issuing payment checks with some frequency. Typically, on a construction site,

requisitions are submitted monthly and there is a monthly payment. All the work that's done for the month is aggregated, inspected, signed off on, and paid in a group. The requirement to pay for punch list items as they are completed was thought to compel or to impose a burden on public works projects. This amendment, if you chose to adopt it, will relieve school districts and other public entities from having to do that. It will say that they simply may pay for these items in accordance with the normal requisition procedures of the contract. That had the effect of removing the mandate on the bill. It actually had the effect of simplifying the bill to some extent as well and I thought it was a general improvement. That's the thrust of this amendment. With that, I offer the amendment and ask for you to adopt it please. Thank you.

On motion by Senator **MILLS** of Somerset, Senate Amendment "A" (S-267) to Committee Amendment "A" (S-245) **ADOPTED**.

Committee Amendment "A" (S-245) as Amended by Senate Amendment "A" (S-267) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245) AS AMENDED BY SENATE AMENDMENT "A" (S-267) thereto.

Sent down 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:

ORDERS

Joint Order

On motion by Senator **SMALL** of Sagadahoc, the following Joint Order:
S.P. 637

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, May 29, 2001, at 10:00 in the morning and the Senate Adjourns until Tuesday, May 29, 2001, at 12:00 in the afternoon.

READ and **PASSED**.

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator **SAVAGE** of Knox, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Mandate

An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law

H.P. 1204 L.D. 1626
(C "A" H-470)

Tabled - May 18, 2001, by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence.

(In Senate, May 16, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470)**, in concurrence.)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Act

An Act to Conform the State's Financial Services Privacy Laws with Federal Law

S.P. 521 L.D. 1640
(C "B" S-236)

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

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

ENACTORS

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

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

H.P. 256 L.D. 300
(S "N" S-256; S "O" S-260 to C "A" H-55)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate. At this point on this particular bill there is no right or wrong way to vote. I have voiced my strongest objections to this budget. However, the Appropriations Committee has passed out 86 bills so far this session, 82 of those have been unanimous reports. My 12 colleagues on the committee have now all cast a vote in favor of this budget in order to keep this state from a shut down. Out of respect for my colleagues on that committee, I also intend to vote in favor of the budget today. I am sure that their votes in favor have been even more difficult than mine in opposition and I would like to say that, again in respect for my colleagues, particularly the House Chair, the Representative from Livermore, Representative Berry, I will be voting in favor of this budget and I do not request a roll call.

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.

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

On motion by Senator **WOODCOCK** of Franklin, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, May 29, 2001, at 12:00 in the afternoon, in memory of and lasting tribute to our Veterans who have served in the armed forces of the United States and to those who have given their lives so that we might debate the nuances of freedom.