

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

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May 24, 2001 to June 22, 2001

First Confirmation Session
October 24, 2001

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
Tuesday
May 29, 2001

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

Prayer by Father Stephen White of the St. Andrews Episcopal Church in Newcastle.

FATHER WHITE: Let us pray. God of mercy and compassion, who knows our nature, who loves us beyond our understanding, and who seeks to guide us into greater service, hear the prayers of the Senators gathered in this sacred moment of quiet. Help them to work with Thee, oh God, that this may be a good day with good things accomplished by good people for the good of all. We know that a better world cannot be built by indifferent people, so may there be no apathy in this place, no lukewarmness in the cause of right. May they be passionate for justice, creative of new answers, and alive to new possibilities. Give them ears to be attentive to their constituents, patience for the work that is before them, and a will to be open to one another. In the midst of today's activities, make them aware of Your invisible presence, oh God, that out of confused issue may come simplicity of plan, out of fear may come confidence, out of hurry may come the willingness to wait, and out of frustration may come rest and strength. Oh God, direct our Senators to do what is right for God's sake and for the sake of peace and good conscience. Bless and guide them and their families and may they always find support in the gratitude of their fellow citizens and in the love of their God. Amen.

Pledge of Allegiance led by Senator Marge L. Kilkelly of Lincoln County.

Doctor of the day, Lisa Letourneau, M.D., Maine Health in Scarborough.

Reading of the Journal of Friday, May 25, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Girls Varsity Outdoor Track Team at Edward Little High School, which has won the 2001 State Class A Championship. The team has won 53 consecutive meets over the past 4 years. We acknowledge the team members' dedication to hard work and their focus on achieving challenging goals, and we extend our congratulations and best wishes to them on their accomplishments;

HLS 462

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

READ.

On motion by Senator **SAVAGE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

ORDERS

Joint Resolution

On motion by Senator **SHOREY** of Washington (Cosponsored by Representative **MORRISON** of Baileyville and President Pro Tem **BENNETT** of Oxford, President **MICHAUD** of Penobscot, Senators: Representatives: **BAGLEY** of Machias, **BUNKER** of Kossuth Township, **DUGAY** of Cherryfield, **GOODWIN** of Pembroke), the following Joint Resolution:

S.P. 634

WHEREAS, under Private and Special Law, 1850, chapter 389, the 30th Maine Legislature approved "An Act to incorporate the City of Calais," with the city's first sitting council and mayor meeting on April 14, 1851; and

WHEREAS, as early as 1760, it was reported that a small group of men paddled up the St. Croix River to the head of its tidewater to fish. Later, upon hearing news of the abundance of pine timber, fish and game in the area and reports that the river was navigable for large vessels, the first permanent settler, Daniel Hill, built a cabin. Soon Mr. Hill was followed by other settlers, establishing a settlement upon land in the area of Ferry Point; and

WHEREAS, officially recognized as Township No. 5 upon being granted by the Commonwealth of Massachusetts to Waterman Thomas in 1789, incorporated as a town in 1809 and incorporated as a city in 1850, Calais is located at the extreme eastern end of Washington County, in the heart of the St. Croix River Valley; and

WHEREAS, the name of the French city, Calais, was likely borrowed for this city in Maine, since it lies opposite Dover Hill in New Brunswick. The St. Croix River forms the national boundary between Maine and New Brunswick; and

WHEREAS, the City of Calais is the 5th busiest port of entry to the United States on the Canadian border; and

WHEREAS, the City of Calais has become a cosmopolitan community and an ideal location for a "Two-Nation Vacation."

The warm relationship that exists between Calais and its border neighbors is recognized each year with an International Festival held during August; and

WHEREAS, the city and citizens of Calais support a large public recreation program, offering year-round activities to participants of all ages and abilities; and

WHEREAS, the city is the site of the St. Croix Island International Historic Site. The site, maintained by the National Park Service in cooperation with the Canadian Government, provides boat access to the St. Croix River; and

WHEREAS, the Federal Government also maintains the Moosehorn National Wildlife Refuge in Calais. The refuge consists of more than 23,000 acres and is a breeding ground for migratory birds and other wildlife; now therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, extend our best wishes to the good citizens of the City of Calais as they observe the city's sesquicentennial year; and be it further;

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Mayor of the City of Calais on behalf of the citizens of that community.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require That the Principles for Reimbursement for Private and Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules" (EMERGENCY)
H.P. 708 L.D. 923

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-608)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**.

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

READ ONCE.

Committee Amendment "A" (H-608) **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-608)**, in concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities
H.P. 1298 L.D. 1767

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

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell
JONES of Greenville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-566)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

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

Reports **READ**.

Senator GOLDTHWAIT of Hancock moved the Bill and accompanying papers be **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

On motion by President Pro Tem BENNETT of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator GOLDTHWAIT of Hancock to **COMMIT** the Bill and accompanying papers to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators"

H.P. 1069 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-569).**

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

BLANCHETTE of Bangor
TOBIN of Dexter
QUINT of Portland
PEAVEY of Woolwich
SNOWE-MELLO of Poland
GERZOFISKY of Brunswick
MITCHELL of Vassalboro
WHEELER of Bridgewater

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

Signed:

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston

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-569).**

Reports **READ.**

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

Senate

**Ought to Pass
Pursuant to Joint Order**

Senator **McALEVEY** for the Committee on **CRIMINAL JUSTICE** on Bill "An Act Regarding the Training Requirements for Certain Employees of the Department of Public Safety"

S.P. 635 L.D. 1815

Reported that the same **Ought to Pass**, pursuant to Joint Order (S.P. 604).

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator LaFOUNTAIN for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Create Uniform Underwriting Standards for Determining Eligibility for Certain Group Policies" S.P. 379 L.D. 1217

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-270).**

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

READ ONCE.

Committee Amendment "A" (S-270) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-270).**

Sent down for concurrence.

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Comprehensive Planning and Land Use Regulation Laws"

S.P. 547 L.D. 1693

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-265).**

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

READ ONCE.

Committee Amendment "A" (S-265) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265).**

Sent down for concurrence.

Ought to Pass in New Draft Under New Title

Senator **MARTIN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Preserve Maine Pharmacies"

S.P. 528 L.D. 1651

Reported that the same **Ought to Pass in New Draft under New Title** Resolve, Regarding Pharmacists and Pharmaceutical Benefits

S.P. 636 L.D. 1816

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Patient Access to Eye Care Providers" S.P. 97 L.D. 323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-269)**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

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

Signed:

Representative:

GLYNN of South Portland

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Strengthen the Authority of the Bureau of Insurance"

S.P. 172 L.D. 590

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-271)**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland
MICHAEL of Auburn
SMITH of Van Buren
MAYO of Bath
O'NEIL of Saco
CANAVAN of Waterville
MARRACHE of Waterville

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

Signed:

Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

YOUNG of Limestone
SULLIVAN of Biddeford
GLYNN of South Portland

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish Guidelines for High School Sports"

S.P. 11 L.D. 3

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

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
CUMMINGS of Portland
ESTES of Kittery
STEDMAN of Hartland
ANDREWS of York
LEDWIN of Holden

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

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

WATSON of Farmingdale
WESTON of Montville

Reports **READ.**

Senator **MITCHELL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Allow the Workers' Compensation Board to Maintain its Current Level of Services"

S.P. 77 L.D. 297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-266).**

Signed:

Senators:

EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:

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

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

Signed:

Representative:

CRESSEY of Baldwin

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-266) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-266).**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **KILKELLY** of Lincoln 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.

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine"

H.P. 1260 L.D. 1695

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-613)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613)**.

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

READ ONCE.

Committee Amendment "A" (H-613) **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-613)**, in concurrence.

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Protect Nongroup and Small Group Insureds"

H.P. 765 L.D. 984

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-617)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617)**.

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

READ ONCE.

Committee Amendment "A" (H-617) **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-617)**, 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 Clarify that Polluters Who Violate the Environmental Laws on Private Land are Liable for Their Actions

H.P. 236 L.D. 273
(C "A" H-560)

An Act to Strengthen the Maine Rx Program

H.P. 376 L.D. 478
(C "A" H-249)

An Act Concerning Lifetime Licenses and Complimentary Licenses for Residents over 70 Years of Age

H.P. 579 L.D. 734
(C "A" H-565)

An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services

H.P. 601 L.D. 756
(C "A" H-580)

An Act to Require the Destruction of Certain Confiscated and Forfeited Handguns

S.P. 209 L.D. 774
(C "A" S-96; H "A" H-486 to S "A" S-149)

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

An Act Relating to Taxation of Agriculture

H.P. 13 L.D. 13
(C "A" H-571)

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

An Act to Promote Dam Safety

H.P. 379 L.D. 481
(C "A" H-559)

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

An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992

H.P. 644 L.D. 844
(C "A" H-244)

President Pro Tem **BENNETT** of Oxford requested a Roll Call.

On motion by Senator **EDMONDS** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Requested)

An Act to Provide Transportation Vouchers to Persons with Disabilities to Improve their Independence and Opportunity to Work

H.P. 712 L.D. 927
(C "A" H-581)

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

An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act

H.P. 733 L.D. 953
(C "A" H-335)

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

An Act to Alleviate the Shortage of Pediatric Dentists in Maine

H.P. 902 L.D. 1194
(C "A" H-579)

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury" (EMERGENCY)

S.P. 393 L.D. 1308

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-276)**.

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

READ ONCE.

Committee Amendment "A" (S-276) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276)**.

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 **NATURAL RESOURCES** on Bill "An Act to Address the Health Effects of Mercury Fillings" S.P. 429 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-278)**.

Signed:

Senators:

MARTIN of Aroostook
SHOREY of Washington
SAWYER of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-279)**.

Signed:

Representatives:

BAKER of Bangor
TWOMEY of Biddeford

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-278) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)**.

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 Revise Certain Provisions of Maine's Fish and Wildlife Laws" (EMERGENCY)

S.P. 546 L.D. 1692
(C "A" S-187)

In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187) AND HOUSE AMENDMENT "A" (H-611)**, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187)**.

On further motion by same Senator, Senate Amendment "A" (S-268) **READ** and **ADOPTED**.

House Amendment "A" (H-611) **READ** and **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-187); HOUSE AMENDMENT "A" (H-611) AND SENATE AMENDMENT "A" (S-268), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 327

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE SECRETARY**

May 29, 2001

Honorable Michael H. Michaud
President of the Senate
120th Legislature
Augusta, ME 04333

Dear President Michaud:

Please be advised that in the Senate on May 25, 2001, Bill, "An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of Juvenile Crime" (S.P. 174) (L.D. 602) was placed in the Legislative File.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and with accompanying papers **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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities
H.P. 1298 L.D. 1767

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-566)** (5 members)

Tabled - May 29, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **COMMIT** the Bill and accompanying papers to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence

(In House, May 25, 2001, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.)

(In Senate, May 29, 2001, Reports **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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

SENATE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act Concerning Patient Access to Eye Care Providers"

S.P. 97 L.D. 323

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-269)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 29, 2001, by Senator **SMALL** of Sagadahoc

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

(In Senate, May 29, 2001, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-269) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-269)**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish Guidelines for High School Sports"

S.P. 11 L.D. 3

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-273)** (3 members)

Tabled - May 29, 2001, by Senator **MITCHELL** of Penobscot

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

(In Senate, May 29, 2001, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/25/01) Assigned matter:

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

H.P. 1085 L.D. 1454
(C "A" H-445)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 18, 2001, **FINALLY PASSED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order S.P. 631, in concurrence.)

(In Senate, May 24, 2001, on motion by Senator **DAGGETT** of Kennebec, **RULES SUSPENDED, RECONSIDERED FINAL PASSAGE**.)

On motion by President Pro Tem **BENNETT** of Oxford, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/25/01) 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 25, 2001, by Senator **DAVIS** of Piscataquis

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

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

The Chair ordered a Division. 22 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **KNEELAND** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-253).

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-253).

Senate at Ease.

Senate called to order by the President.

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

HOUSE REPORTS - the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators"

H.P. 1069 L.D. 1432

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-569)** (11 members)

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

Tabled - May 29, 2001, by Senator **MCALLEVEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 25, 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-569)**.)

(In Senate, May 29, 2001, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-569) **READ**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-282) to Committee Amendment "A" (H-569) **READ**.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. The amendment that I've offered deals with the question that was in the committee amendment that said that if you were going to be using, after training, the defibrillator, that you had to also have made a call to a, for example, ambulance service or some other form of assistance that might be required. For those of us who live in northern Maine or western Maine, you may not have access to a phone. In that event you might, in fact, be breaking the law if you couldn't make the call but then used the defibrillator. This makes it clear that in the event that there is no

communication available you can use the defibrillator and not create a problem for yourself in terms of liability.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-282) to Committee Amendment "A" (H-569) **ADOPTED**.

Committee Amendment "A" (H-569) as Amended by Senate Amendment "A" (S-282) thereto, **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-569) AS AMENDED BY SENATE AMENDMENT "A" (S-282)** thereto, in **NON-CONCURRENCE**. Sent down for concurrence.

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

Expressions of Legislative Sentiment recognizing the Girls Varsity Outdoor Track Team at Edward Little High School, which has won the 2001 State Class A Championship. The team has won 53 consecutive meets over the past 4 years. We acknowledge the team members' dedication to hard work and their focus on achieving challenging goals, and we extend our congratulations and best wishes to them on their accomplishments;

HLS 462

Tabled - May 29, 2001, by Senator **SAVAGE** of Knox

Pending - **PASSAGE**, in concurrence

(In House, May 25, 2001, **READ** and **PASSED**.)

(In Senate, May 29, 2001, **READ**.)

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

Senator **SMALL:** Thank you, Mr. President. So members don't think that I'm just showing poor sportsmanship by attempting to Indefinitely Postpone this sentiment, I just wanted to let members know what Senator Savage found out. This meet has not yet taken place and since we all know it would be Morse High anyway, I move for Indefinite Postponement of this sentiment.

On motion by Senator **SMALL** of Sagadahoc, Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

The Chair laid before the Senate the following Tabled and Specially (5/22/01) Assigned matter:

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

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

Tabled - May 22, 2001, by Senator **NUTTING** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189).**)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189).**

On further motion by same Senator, Senate Amendment "B" (S-262) **READ.**

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. This proposed amendment is an amendment to a bill I filed this session concerning the Workers' Comp Advocate System. There is also ongoing a study about the whole Workers' Comp System. I support that study. I believe we voted for that study a little bit earlier today. I hope that there will be some changes brought about and some increased efficiencies come about because of this study. I'm pretty sure that's going to happen. My problem is that in the last year, unfortunately, the number of Workers' Comp cases in Maine has been on the increase. We have done a great job in promoting safety in this state in the last year. Unfortunately, due to low unemployment and a whole host of other reasons, the number of cases going through our Workers' Comp System have gone way up again. Our ten Workers' Comp Advocates are swamped. They are having to do their own clerical work several hours a day. That's not letting them represent injured workers as they should. What I'm proposing to do with this amendment is to just say that, on a temporary basis while this study is ongoing, we would get them some temporary clerical help so the advocates can do what they were hired to do and that is represent injured workers. I think, in practical terms, this is the only help most injured workers are going to have through the system. If I am fortunate enough to get this amendment adopted, I then have to go on, of course, and repeal amendment S-189 that's on there now. But I'm getting ahead of myself. I hope that you can support this amendment. I'm just trying to tide the advocates over until the study can bring about increased efficiencies and get them help from other areas in the Workers' Comp System that probably aren't being run quite as efficiently as they should be. Thank you.

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

Senator **EDMONDS:** Thank you, Mr. President. I just wanted to join the good Senator from Androscoggin, Senator Nutting, in encouraging you to vote for this amendment. The need for

advocates is imperative in the Workers' Comp System and to give them the clerical support they need is also important. Thank you.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. Normally when I rise after Senator Edmonds speaks, I'm usually speaking in opposition to her point of view. In this case, I'm asking that you join me in voting for this particular amendment. I do believe that we have suspicion and strong evidence that says that the workers' advocates system, while working, is overloaded and needs a good one time shot in the arm. This amendment from Senator Nutting will do that. So I would urge you to vote in his favor. Thank you very much. On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "B" (S-262) **ADOPTED.**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-189).

On further motion by same Senator, Committee Amendment "A" (S-189) **INDEFINITELY POSTPONED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-262), 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 Provide Funding for the Office of the State Fire Marshal and to Increase Certain Fire Inspection Fees

S.P. 418 L.D. 1362
(C "A" S-241)

On motion by Senator **O'GARA** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241).**

On further motion by same Senator, Senate Amendment "A" (S-272) **READ** and **ADOPTED.**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-241).

On further motion by same Senator, Committee Amendment "A" (S-241) **INDEFINITELY POSTPONED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-272), in NON-CONCURRENCE.

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 30, 2001, at 9:00 in the morning.

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