

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

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First Confirmation Session
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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
Monday
June 4, 2001

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

Prayer by Senator Richard Kneeland of Aroostook County.

SENATOR KNEELAND: Shall we unite in prayer. Oh God, at this moment we, the Senators of the people of this state, humbly implore Your help and guidance. Make it a sacred moment, a moment when men and women are aware of their need of God. A moment when answers come and guidance is given. Often we pray for that which is already ours, neglected and unused. Sometimes we pray for that which can never be ours and sometimes for that which we must do for ourselves. How many times we never pray at all and then work ourselves to death to do something that is ours for the asking? Help us to understand that faith without work is dead and work without faith can never live. Give us faith to believe in the possibilities of change, that each in his own place, we may do all we can to change from bad to good and from good to better until You, Oh Lord, are satisfied with our labors. In Thy name we pray. Amen.

Pledge of Allegiance led by Senator John M. Nutting of Androscoggin County.

Doctor of the day, Mitchell Ross., M.D. of Biddeford.

Reading of the Journal of Thursday, May 31, 2001.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 645

**STATE OF MAINE
120TH LEGISLATURE**

June 4, 2001

Hon. Peggy A. Pendleton, Senate Chair
Hon. Martha A. Bagley, House Chair

Joint Standing Committee on State and Local
Government
120th Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Bagley:

Please be advised that Governor Angus S. King, Jr. has nominated Anthony Monfiletto of Yarmouth for reappointment and Gary M. Koocher of Portland and John C. Cooney of Brunswick for appointment as members of the Workers' Compensation Board

Pursuant to Title 39-A, M.R.S.A. §151, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

The Following Communication: S.C. 330

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

May 31, 2001

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

Dear Secretary O'Brien:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill, "An Act to Expand the Maine Mathematics, Science and Engineering Talent Search Venture." (S.P. 280) (L.D. 991)

Senator Mitchell of Penobscot
Senator Rotundo of Androscoggin
Senator Cathcart of Penobscot

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

**Ought to Pass
Pursuant to Joint Order**

The Committee on **TAXATION** on Bill "An Act to Ensure Retailer Compliance with the Tax on Tobacco Products"
H.P. 1361 L.D. 1818

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1344).

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.

Senate

Ought to Pass As Amended

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Permit the Salvage of Pulpwood" (EMERGENCY)
S.P. 628 L.D. 1811

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-307)**.

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

READ ONCE.

Committee Amendment "A" (S-307) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-307)**.

Sent down for concurrence.

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Transfer Administration of the Workers' Compensation Employment Rehabilitation Fund to a Voluntary Coalition of Parties in Interest"

S.P. 433 L.D. 1413

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-309)**.

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

READ ONCE.

Committee Amendment "A" (S-309) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-309)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the Laws Governing a Conflict of Interest for a School Board Member"
S.P. 188 L.D. 660

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

Signed:

Senator:
ROTUNDO of Androscoggin

Representatives:
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden
ESTES of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-310)**.

Signed:

Senators:
MITCHELL of Penobscot
NUTTING of Androscoggin

Representatives:
RICHARD of Madison
CUMMINGS of Portland

Reports **READ**.

Senator MITCHELL of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Offer Businesses and the Technical Colleges Incentives for Providing Workforce Health Care Training"

S.P. 505 L.D. 1592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-312).**

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-313).**

Signed:

Representatives:

WATSON of Farmingdale
STEDMAN of Hartland

Reports **READ.**

On motion by Senator **MITCHELL** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-312)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-312) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-312).**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend Maine's Campaign Finance Laws"

S.P. 553 L.D. 1711

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-308).**

Signed:

Senators:

DOUGLASS of Androscoggin
WOODCOCK of Franklin
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
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:

COTE of Lewiston

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-308) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308).**

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.

Off Record Remarks

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

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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:

Emergency Measure

An Act to Amend the Animal Welfare Laws
S.P. 356 L.D. 1170
(C "A" S-286)

Comes from the House **FAILED ENACTMENT**.

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

Emergency Measure

An Act to Create the Maine Health Data Processing Center
H.P. 980 L.D. 1304
(C "A" H-620)

Comes from the House **FAILED ENACTMENT**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-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 Concerning Patient Access to Eye Care Providers
S.P. 97 L.D. 323
(C "A" S-269)

An Act to Strengthen Maine's Worker Advocate Program
S.P. 198 L.D. 670
(S "B" S-262)

An Act to Require That the Principles for Reimbursement for Private Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules
H.P. 708 L.D. 923
(C "A" H-608)

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

An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates Under the Medicaid Program
H.P. 375 L.D. 477
(C "A" H-625)

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

An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units
H.P. 592 L.D. 747
(C "A" H-547)

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 Require Reporting of Activities under the Workforce Investment Act of 1998
H.P. 1042 L.D. 1399
(C "A" H-634)

An Act to Address the Health Effects of Mercury Fillings
S.P. 429 L.D. 1409
(C "A" S-278)

An Act to Encourage Greater Acquisition, Deployment and Use
of Automated External Defibrillators
H.P. 1069 L.D. 1432
(S "B" S-294 to C "A" H-569)

An Act to Improve Pension Benefits for Employees in the
Department of Environmental Protection
H.P. 1166 L.D. 1566
(C "A" H-619)

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 Require that Benefits for Disability be Continued During
a Period of Vocational Rehabilitation under the Workers'
Compensation Act

H.P. 883 L.D. 1175
(S "A" S-302 to C "A" H-365)

On motion by President Pro Tem **BENNETT** of Oxford, supported
by a Division of at least one-fifth of the members present and
voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#106)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT,
DOUGLASS, EDMONDS, GAGNON,
GOLDTHWAIT, LAFOUNTAIN, LONGLEY,
MARTIN, MILLS, O'GARA, PENDLETON, RAND,
ROTUNDO, TREAT, THE PRESIDENT - MICHAEL
H. MICHAUD

NAYS: Senators: BENNETT, CARPENTER, DAVIS,
FERGUSON, KILKELLY, KNEELAND, MCALEVEY,
MITCHELL, NUTTING, SAVAGE, SAWYER,
SHOREY, SMALL, TURNER, WOODCOCK,
YOUNGBLOOD

ABSENT: Senators: ABROMSON, LEMONT

17 Senators having voted in the affirmative and 16 Senators
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.

An Act to Prohibit the Use of State Funds by Health Care
Providers to Influence Union Organizing
H.P. 1037 L.D. 1394
(C "A" H-567)

On motion by President Pro Tem **BENNETT** of Oxford, supported
by a Division of at least one-fifth of the members present and
voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#107)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT,
DOUGLASS, EDMONDS, GAGNON,
GOLDTHWAIT, KILKELLY, LAFOUNTAIN,
LONGLEY, MARTIN, NUTTING, O'GARA,
PENDLETON, RAND, ROTUNDO, TREAT, THE
PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, CARPENTER, DAVIS,
FERGUSON, KNEELAND, LEMONT, MCALEVEY,
MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY,
SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: ABROMSON

18 Senators having voted in the affirmative and 16 Senators
having voted in the negative, with 1 Senator 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.

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 the Safety and Health of Students in Public
School Facilities

H.P. 1249 L.D. 1697
(C "A" H-626)

An Act Regarding the Treatment of American Indian Tribes
Under the Federal Unemployment Tax Act

S.P. 575 L.D. 1753
(C "A" S-259)

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 Increase the Number of Licensed Speech-Language Pathologists to Serve Maine Schools

S.P. 508 L.D. 1595
(C "A" S-284)

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

An Act Regarding the Length of Service for Retirement Benefits for Certain State Employees

H.P. 1333 L.D. 1789
(C "A" H-615)

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

An Act Regarding the Training Requirements for Certain Employees of the Department of Public Safety

S.P. 635 L.D. 1815

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

An Act to Provide Funding Related to the Lewiston-Auburn College Teachers for Elementary and Middle Schools Project

S.P. 638 L.D. 1817

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

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for 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 Require Teaching of Maine Native American History and Culture in Maine's Schools"

H.P. 255 L.D. 291

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-666)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666)**.

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

READ ONCE.

Committee Amendment "A" (H-666) **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-666)**, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments (EMERGENCY)

H.P. 161 L.D. 172

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-660)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-660)**.

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

READ ONCE.

Committee Amendment "A" (H-660) **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-660)**, 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 Bill "An Act to Require Registration of Unlicensed Assistive Personnel"

H.P. 1167 L.D. 1567

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-661)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-661)**.

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

READ ONCE.

Committee Amendment "A" (H-661) **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-661)**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Eliminate the Marriage Penalty under the Income Tax Laws"

H.P. 475 L.D. 615

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-657)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**.

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

READ ONCE.

Committee Amendment "A" (H-657) **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-657)**, 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 **AGRICULTURE, CONSERVATION AND FORESTRY** on 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

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-658)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-658)**.

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

READ ONCE.

Committee Amendment "A" (H-658) **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-658)**, 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 MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Achievement (EMERGENCY)

S.P. 616 L.D. 1797

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-314)**.

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

READ ONCE.

Committee Amendment "A" (S-314) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-314)**.

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 Permit Foster Parents to Purchase Group Health Insurance"

H.P. 275 L.D. 353
(S "A" S-264)

In House, May 24, 2001, **PASSED TO BE ENGROSSED**.

In Senate, May 25, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-264)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-264) AS AMENDED BY HOUSE AMENDMENT "A" (H-644)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **LAFOUNTAIN** of York, the Senate **RECEDED and CONCURRED**.

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

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/29/01) Assigned matter:

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)

Tabled - May 29, 2001, by Senator **EDMONDS** of Cumberland

Pending - **ENACTMENT**, in concurrence (Roll Call Requested)

(In Senate, May 23, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**, in concurrence.)

(In House, May 29, 2001, **PASSED TO BE ENACTED**.)

On motion by Senator **EDMONDS** of Cumberland, 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 (#108)

YEAS: Senators: **BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, LAFOUNTAIN, LONGLEY, MARTIN, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD**

NAYS: Senators: **BENNETT, CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KILKELLY, KNEELAND, LEMONT, MCALEVEY, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD**

ABSENT: Senator: **ABROMSON**

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Later (5/31/01) Assigned matter:

Bill "An Act to Require Full Disclosure of Prescription Drug Marketing Costs "

H.P. 778 L.D. 1022

Tabled - May 31, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **NUTTING** of Androscoggin to **ADOPT** Senate Amendment "A" (S-304) to Committee Amendment "A" (H-517)

(In House, May 21, 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-517)**.)

(In Senate, May 31, 2001, motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**. On further motion by same Senator, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-517) **READ**. On motion by Senator **NUTTING** of Androscoggin, Senate Amendment "A" (S-304) to Committee Amendment "A" (H-517) **READ**.)

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

Senator **NUTTING:** Mr. President, ladies and gentlemen of the Senate, as I began to say earlier last week on this issue, I did vote for this bill but paragraph A, 3A, on page 2 of the Majority Report really troubled me. A company was going to have to try to figure the Maine expense for an ad taken out in Sports Illustrated

or the New York Times. What I'm trying to do with this amendment is to say that what they are going to have to keep track of for advertising is just what they've spent in the state media, trips given to doctors in this state, or free giveaways given in this state to try to simplify this bill. I hope you support the amendment. Thank you.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ADOPT** Senate Amendment "A" (S-304) to Committee Amendment "A" (H-517), **PREVAILED**.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 19 Senators having voted in the affirmative and 15 Senators having voted in the negative, Committee Amendment "A" (H-517) as Amended by Senate Amendment "A" (S-304) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-517) AS AMENDED BY SENATE AMENDMENT "A" (S-304) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

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

An Act to Establish the Maine Research and Development Evaluation Fund

H.P. 988 L.D. 1325
(C "A" H-372)

Tabled - May 15, 2001, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**, in concurrence.)

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

On motion by Senator **CATHCART** of Penobscot, 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" (H-372)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-316) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AND SENATE AMENDMENT "A" (S-316), in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/31/01) Assigned matter:

Bill "An Act to Facilitate the Implementation of the Enhanced 9-1-1 Emergency System"

H.P. 1098 L.D. 1467
(C "A" H-442; S "A" S-252;
S "B" S-292)

Tabled - May 31, 2001, by Senator **SMALL** of Sagadahoc

Pending - **PASSAGE TO ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442) AND SENATE AMENDMENTS "A" (S-252); "B" (S-292)**, in **NON-CONCURRENCE** (Roll Call Ordered)

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

(In Senate, May 30, 2001, on motion by Senator **MARTIN** of Aroostook, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442)**, in concurrence. On further motion by same Senator, Senate Amendment "A" (S-252) **READ** and **ADOPTED**; Senate Amendment "B" (S-292) **READ** and **ADOPTED**.)

On motion by Senator **SHOREY** of Washington, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-442), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-315) to Committee Amendment "A" (H-442) **READ** and **ADOPTED**.

Committee Amendment "A" (H-442) as Amended by Senate Amendment "A" (S-315) thereto, **ADOPTED**, in **NON-CONCURRENCE**

Off Record Remarks

On motion by Senator **KILKELLY** of Lincoln, Senate Amendment "C" (S-306) **READ**.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. As we discussed this issue the other night about the funding for E-911 and what possible options there were, I raised the concern that had been raised to me by my County Commissioners for the last 3 years or so. One of the things that, as I talked with the County Commissioners and I talked with the folks back home, they were really concerned about is just really having an understanding of how that rate structure has been established, why it needs to keep going up, how it's being spent, and how responsive that organization is to local folks. So what this amendment does is require that the Utilities Committee participate in a government evaluation act review of E-911 and report back to the legislature with any recommendations or thoughts or concerns about how that program might be improved, if there are things that need to be improved, and maybe there aren't. But I do think that review always make sense and in this case it's a way to get answers that certainly my Commissioners and I know may others are interested in. I think it also provides an opportunity for the Utilities Committee to get some of the answers. I know, having talked with some of the members of the committee, answers weren't always as forthcoming as they might have been. This is a process where we can get down to the bottom of it. So I hope you will join me in supporting this amendment which will, in fact, provide that review process. Thank you.

On motion by Senator **KILKELLY** of Lincoln, Senate Amendment "C" (S-306) **ADOPTED.**

PASSED TO ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442) AS AMENDED BY SENATE AMENDMENT "A" (S-315) thereto, AND SENATE AMENDMENTS "A" (S-252); "B" (S-292); "C" (S-306), in NON-CONCURRENCE.

Sent down for concurrence.

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

Resolves

Resolve, to Provide a Process for Amending the Cost-sharing Method Used in School Administrative District No. 33
S.P. 283 L.D. 994
(C "A" S-285)

Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation
H.P. 1311 L.D. 1774
(C "A" H-627)

Resolve, Regarding Pharmacists and Pharmaceutical Benefits
S.P. 636 L.D. 1816

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

Resolve, to Provide Adequate Patient Care Staffing for Certain Home Care Programs
H.P. 479 L.D. 619
(C "A" H-632)

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

Resolve, to Ensure Consumer Access to Home Care Services
H.P. 500 L.D. 640
(C "A" H-621)

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

Resolve, to Create the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired
S.P. 558 L.D. 1720
(C "A" S-283)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until 4:00 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:

ENACTORS

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

Emergency Measure

An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings
S.P. 448 L.D. 1502
(H "A" H-618 to C "A" S-225)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Change the Retirement Eligibility Requirement for Game Wardens and Marine Patrol Officers
S.P. 495 L.D. 1584
(C "A" S-257)

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:

Emergency Measure

An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws
S.P. 546 L.D. 1692
(C "A" S-187; H "A" H-611;
S "A" S-268)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine

H.P. 1260 L.D. 1695
(C "A" H-613)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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:

Emergency Resolve

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

S.P. 77 L.D. 297
(C "A" S-266)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

H.P. 725 L.D. 945
(C "A" H-631)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

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:

**Pursuant to Constitution
Public Land**

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

H.P. 1337 L.D. 1791
(H "A" H-637 to C "A" H-582)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 33 Senators having voted in the affirmative and no Senators having voted in the negative, and 33 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.

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

ENACTORS

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

Mandate

An Act to Implement Changes in Cost-sharing Agreements in School Districts

H.P. 977 L.D. 1301
(C "A" H-628)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 1 Senator 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.

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 Comprehensive Planning and Land Use Regulation Laws

S.P. 547 L.D. 1693
(C "A" S-265)

An Act to Recognize Exemplary Efforts to Lower the Cost of Prescription Drugs

S.P. 560 L.D. 1722
(C "A" S-287)

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 the Recommendations of the Committee to Study Further Decriminalization of the Criminal Laws of Maine

H.P. 1086 L.D. 1455
(C "A" H-604)

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:

Emergency Measure

An Act to Provide for the Transfer of Assets of Hospital Administrative District No. 1 to a Nonprofit, Nonstock Private Corporation

H.P. 561 L.D. 716
(C "A" H-624)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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
(C "A" S-276)

In Senate, May 29, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY HOUSE AMENDMENT "A" (H-638)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED.**

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Increase Access to Higher Education"

H.P. 799 L.D. 1043

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-656).**

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

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

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

Signed:

Representative:

STEDMAN of Hartland

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-656).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-656) **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-656)**, 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, to Increase Medicaid Reimbursement for Occupational and Physical Therapy and Speech and Language Pathologists and Audiologists

H.P. 172 L.D. 183

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-659).**

Signed:

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
DUGAY of Cherryfield
KANE of Saco
O'BRIEN of Augusta
SHIELDS of Auburn

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

Signed:

Senator:

TURNER of Cumberland

Representatives:
LOVETT of Scarborough
NUTTING of Oakland

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-659)**.

Reports **READ**.

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

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, 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 Bill "An Act to Ensure Appropriate Audit Procedures"

H.P. 211 L.D. 246

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-664)**.

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
O'BRIEN of Augusta
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 "B" (H-665)**.

Signed:

Representative:
SHIELDS of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**.

Reports **READ**.

On motion by Senator **LONGLEY** of Waldo, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-664) **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-664)**, 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Address the Crisis in Personnel, Insurance and Heating Costs in the Provision of Community Mental Health Services"

H.P. 956 L.D. 1270

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-669)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)**.

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

READ ONCE.

Committee Amendment "A" (H-669) **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-669)**, in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities"

H.P. 982 L.D. 1306

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-667)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667)**.

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

READ ONCE.

Committee Amendment "A" (H-667) **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-667)**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine (EMERGENCY)
H.P. 1314 L.D. 1778
(C "A" H-549)

In Senate, May 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549) AND HOUSE AMENDMENT "A" (H-636)**, in **NON-CONCURRENCE**.

On motion by Senator **SHOREY** of Washington, the Senate **ADHERED**.

Senate at Ease.

Senate called to order by the President.

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

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 the sound of the bell.

After Recess

Senate called to order by the President.

Senator **KILKELLY** of Lincoln requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Charter of the Limestone Water and Sewer District"

H.P. 1363 L.D. 1820

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, 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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Amend the School Funding Formula by Adding a Hold-harmless Provision"
H.P. 1145 L.D. 1548

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

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WESTON of Montville
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" (H-668)**.

Signed:

Representatives:

ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York
STEDMAN of Hartland
WATSON of Farmingdale
SKOGLUND of St. George

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

Reports **READ**.

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

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 Make Active Public Health Investigation Records Confidential

H.P. 1027 L.D. 1384
(C "A" H-591)

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact

S.P. 545 L.D. 1691
(H "A" H-649)

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 Amend the Laws Governing DNA Testing

H.P. 1250 L.D. 1698
(C "A" H-647)

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

An Act to Address Maine's School Facilities Needs

H.P. 1294 L.D. 1762
(C "A" H-645)

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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Provide Residential and Community-based Services Through the Children's Mental Health Program"

H.P. 493 L.D. 633
(C "A" H-646)

In Senate, May 31, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646) AS AMENDED BY HOUSE AMENDMENT "A" (H-655)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **LONGLEY** of Waldo, the Senate **RECEDED** and **CONCURRED**.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994

H.P. 1350 L.D. 1807
(S "A" S-299)

In House, May 18, 2001, **FINALLY PASSED**.

In Senate, May 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-299)**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **ADHERED**.

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

ORDERS OF THE DAY

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 Resolve, to Increase Medicaid Reimbursement for Occupational and Physical Therapy and Speech and Language Pathologists and Audiologists
H.P. 172 L.D. 183

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-659)** (8 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - June 4, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **LONGLEY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 4, 2001, 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-659)**.)

(In Senate, June 4, 2001, 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-659) **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-659)**, in concurrence.

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

Emergency Measure

An Act to Amend the Animal Welfare Laws

S.P. 356 L.D. 1170
(C "A" S-286)

Tabled - June 4, 2001, by Senator **SMALL** of Sagadahoc

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, May 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-286)**.)

(In House, June 4, 2001, **FAILED ENACTMENT**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994

H.P. 1350 L.D. 1807
(S "A" S-299)

Tabled - June 4, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, May 18, 2001, **FINALLY PASSED**.)

(In Senate, May 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-299)**, in **NON-CONCURRENCE**.)

(In House, June 4, 2001, that Body **ADHERED**.)

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **ADHERED**.

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

Emergency Measure

An Act to Create the Maine Health Data Processing Center
H.P. 980 L.D. 1304
(C "A" H-620)

Tabled - June 4, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, May 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**, in concurrence.)

(In House, June 4, 2001, **FAILED ENACTMENT.**)

Senator **LONGLEY** of Waldo moved the Senate **SUSPEND THE RULES.**

President Pro Tem **BENNETT** of Oxford moved to **TABLE** until Later in Today's Session, pending motion by Senator **LONGLEY** of Waldo to **SUSPEND THE RULES.**

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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Senate called to order by the President.

Senator **LONGLEY** of Waldo requested and received leave of the Senate to withdraw her motion to **SUSPEND THE RULES.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-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 Increase the Amount Transferred through State-municipal Revenue Sharing
S.P. 41 L.D. 209
(C "A" S-13)

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

An Act Regarding School Funding Based on Essential Programs and Services
H.P. 1284 L.D. 1747
(C "A" H-457)

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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property"
H.P. 1088 L.D. 1457

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-605)** (9 members)

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

In House, May 29, 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-605).**

In Senate, May 30, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

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

Senator **RAND** of Cumberland moved the Senate **ADHERE.**

Senator **SMALL** of Sagadahoc moved the Senate **RECEDE** and **CONCUR.**

The Chair ordered a Division. 17 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **RECEDE** and **CONCUR**, **FAILED.**

At the request of Senator **SMALL** of Sagadahoc a Division was had. 17 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **ADHERE, FAILED**.

On motion by Senator **MARTIN** of Aroostook, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Senator **DAGGETT** of Kennebec 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.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Tuesday, June 5, 2001, at 9:00 in the morning.