

MAINE STATE LEGISLATURE

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

In Senate Chamber
Friday
June 8, 2001

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

Prayer by Senator Paul T. Davis, Sr. of Piscataquis County.

SENATOR DAVIS: Good morning, colleagues. What a beautiful day it is today. I have been besieged with requests to pray for all of us, individually and as a group. However, I think I will stick to my text.

The Maine State Senate, I have found, is a marvelous place. It was shown clear the other day when we debated, no less than 22 of us stood and debated some numerous times, and it was a bit contentious at times, and yet within three minutes after the debate, we were all laughing and still good friends. God bless America. In thinking of that, I thought about the prayers that we give here each morning. It stirred my memory to something I read about Benjamin Franklin. In 1787, he addressed the Constitutional Convention in Philadelphia. He talked about prayer. I want to read to you what he had to say.

'In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for divine protection. Our prayers were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending providence in our favor. Have we now forgotten this powerful friend or do we imagine we no longer need His assistance? I have lived a long time and the longer I live the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can arise without His aid? We have been assured, Sir, in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this. I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel. We shall be divided by our little local interests. Our projects will be confounded. And we, ourselves, shall become a reproach and a byword down to future ages. And what is worse, mankind may, hereafter, from this unfortunate instance despair of establishing government by human wisdom and leave it to chance, war, or conquest. Therefore, I beg leave to move that, henceforth, prayers imploring the assistance of Heaven and its blessings on our deliberation be held in this assembly every morning before we proceed to business.'

Mr. Franklin stated that well. Let us pray. Heavenly Father, we humbly ask that You will bless us with wisdom and courage as we lend our efforts for the betterment of the people of the State of Maine. Help us to use our authority with caution and our positions with humility. By Your grace, Lord, may fairness and respect govern our efforts. In Jesus' name. Amen.

Reading of the Journal of Thursday, June 7, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

S.P. 231 L.D. 796
(C "A" S-167)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-167)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In Senate, May 23, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

In House, June 5, 2001, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

In Senate, June 5, 2001, **INSISTED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

Comes from the House, that Body **INSISTED** to **INDEFINITE POSTPONEMENT** of Bill and accompanying papers and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Senator **DAGGETT** of Kennebec moved the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**.

Senator **RAND** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division. 11 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

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

Non-Concurrent Matter

Bill "An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species" (EMERGENCY)
S.P. 630 L.D. 1812

In Senate, May 25, 2001, **PASSED TO BE ENGROSSED**.

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committees on **NATURAL RESOURCES** and **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Senator **MARTIN** of Aroostook moved the Senate **RECEDE**.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending motion by Senator **MARTIN** of Aroostook to **RECEDE**.

Non-Concurrent Matter

JOINT ORDER - relative to amending Joint Rule 301, subsection 5 of the Joint Rules.

S.P. 53

In Senate, January 18, 2001, on motion by Senator **SHOREY** of Washington **READ** and **PASSED**.

Comes from the House, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**, in **NON-CONCURRENCE**.

On motion by Senator **SHOREY** of Washington, the Senate **RECEDED** and **CONCURRED**.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BANKING AND INSURANCE** on Resolve, to Establish the Commission to Develop and Finance Health Care Coverage for All Maine People (EMERGENCY)

H.P. 1121 L.D. 1490

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-329)**.

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin

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:

Senator:

ABROMSON of Cumberland

Representative:

GLYNN of South Portland

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-329)**.

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Resolve and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 22 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **LAFOUNTAIN** of York to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (6/7/01) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State"

H.P. 532 L.D. 687

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

Minority - **Ought to Pass As Amended by Committee Amendment "A" (H-630)** (5 members)

Tabled - June 7, 2001, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Bill and accompanying papers

(In House, June 6, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 7, 2001, Reports **READ**. Senator **SHOREY** of Washington moved to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.)

On motion by Senator **SHOREY** of Washington, Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Off Record Remarks

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

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

Off Record Remarks

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:

ENACTORS

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

Acts

An Act to Protect Nongroup and Small Group Insureds
H.P. 765 L.D. 984
(H "B" H-688 to C "A" H-617)

An Act to Amend the State's Overtime Law
S.P. 314 L.D. 1082
(S "A" S-323)

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 Establish the Community Health Access Program
H.P. 315 L.D. 392
(C "A" H-670)

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

Senate at Ease.

Senate called to order by the President.

An Act Concerning the Sentencing of Persons to County Jails
S.P. 354 L.D. 1168
(H "A" H-693 to C "A" S-277)

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

Resolves

Resolve, to Increase Medicaid Reimbursement for Certain Providers

H.P. 172 L.D. 183
(H "A" H-679 to C "A" H-659)

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

Resolve, to Provide Adequate Reimbursement for Durable Medical Equipment

H.P. 872 L.D. 1151
(C "A" H-683)

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund Community Health Access Programs"

H.P. 196 L.D. 226

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-698).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-698).

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

READ ONCE.

Committee Amendment "A" (H-698) **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-698), 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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Term Limits"

H.P. 697 L.D. 901

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-286).

Signed:

Senators:

DOUGLASS of Androscoggin
BROMLEY of Cumberland
WOODCOCK of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-287).

Signed:

Representative:

MAYO of Bath

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-287) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D"** (H-690).

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-287) Report, in concurrence.

President Pro Tem **BENNETT** of Oxford moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

The Chair noted the absence of the Senator from Cumberland, Senator **ABROMSON** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

YEAS: Senators: BENNETT, CARPENTER, DAVIS, DOUGLASS, FERGUSON, KNEELAND, LAFOUNTAIN, LEMONT, MCALEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

NAYS: Senators: BROMLEY, CATHCART, DAGGETT, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, MARTIN, RAND, ROTUNDO, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: LONGLEY, NUTTING

EXCUSED: Senator: ABROMSON

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by President Pro Tem **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

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 Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY)

H.P. 1295 L.D. 1765
(C "A" H-532)

In House, May 23, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-553) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto.

In Senate, June 7, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532), in NON-CONCURRENCE.**

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

Senator **MARTIN** of Aroostook moved the Senate **ADHERE.**

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE.**

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/5/01) 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 5, 2001, by Senator **MARTIN** of Aroostook

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.**)

(In Senate, June 5, 2001, motion by Senator **LONGLEY** of Waldo to **SUSPEND THE RULES FAILED. FAILED ENACTMENT.** Subsequently, on motion by Senator **MARTIN** of Aroostook, **RECONSIDERED.**)

On motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/7/01) Assigned matter:

Bill "An Act to Amend the Maine Health Data Organization Laws" (EMERGENCY)

S.P. 395 L.D. 1310
(H "A" H-643 to C "A" S-290)

Tabled - June 7, 2001, by Senator **MARTIN** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In Senate, May 31, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENT "A" (H-643)** thereto, in concurrence.)

(Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENTS "A" (H-643) AND "C" (H-685)** thereto, in **NON-CONCURRENCE.**)

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

On motion by Senator **TURNER** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE.**

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Monday, June 11, 2001, at 10:00 in the morning.