

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
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
Monday
June 18, 2001

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

Prayer by Senator William B. O'Gara of Cumberland County.

SENATOR O'GARA: Thank you, Mr. President. Let us bow our head and ask for God's blessing. God of us all, many prayers have gone out to You from this chamber asking for Your divine guidance as we labor together in Your name to do our work for Maine's people. Now, as we near the end of this session, we are no less in need of Your presence. We are no less dependent on that guidance. And we are surely no less in need to feel Your hand on our shoulders, reminding us that if we claim to be doing Your will, we must be compassionate and caring. Move amongst us today and the days that remain so that when we leave this place we will do so knowing we have done the best we could, tried hard to place neither personal nor political gain ahead of the well being of all those we are here to serve. In Your name we pray. Amen.

Pledge of Allegiance led by Senator Peggy A. Pendleton of Cumberland County.

Reading of the Journal of Wednesday, June 13, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

S.P. 322 L.D. 1090
(S "A" S-347)

In House, June 13, 2001, **PASSED TO BE ENACTED.**

In Senate, June 13, 2001, on motion by Senator **EDMONDS** of Cumberland, **RULES SUSPENDED.** On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED.** On further motion by same Senator, Senate Amendment "A" (S-347) **READ and ADOPTED.** Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-347), in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENACTED, in NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: S.C. 363

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

June 15, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of John C. Cooney of Brunswick, for appointment to the Workers' Compensation Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Pendleton of Cumberland, Rotundo of Androscoggin
	Representatives	9	Chase of Levant, Cressey of Baldwin, Haskell of Milford, Hatch of Skowhegan, Kasprzak of Newport, Lessard of Topsham, McDonough of Portland, McLaughlin of Cape Elizabeth, Murphy of Berwick
NAYS		0	

ABSENT 2 Rep. Bagley of Machias,
Sen. Youngblood of
Penobscot

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John C. Cooney of Brunswick, for appointment to the Workers' Compensation Board be confirmed.

June 15, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Signed,

S/Peggy A. Pendleton S/John F. McDonough
Senate Chair Acting House Chair

Dear Mr. President:

READ and ORDERED PLACED ON FILE.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Gary M. Koocher of Portland, for appointment to the Workers' Compensation Board.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

YEAS	Senators	2	Pendleton of Cumberland, Rotundo of Androscoggin
	Representatives	9	Chase of Levant, Cressey of Baldwin, Haskell of Milford, Hatch of Skowhegan, Kasprzak of Newport, Lessard of Topsham, McDonough of Portland, McLaughlin of Cape Elizabeth, Murphy of Berwick

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#138)

YEAS: Senators: None

NAYS: Senators: BENNETT, CARPENTER,
CATHCART, DAGGETT, DAVIS, EDMONDS,
FERGUSON, GAGNON, GOLDTHWAIT,
KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT,
MARTIN, MCALEVEY, MILLS, MITCHELL,
O'GARA, PENDLETON, RAND, ROTUNDO,
SAVAGE, SAWYER, SHOREY, SMALL, TREAT,
TURNER, WOODCOCK, YOUNGBLOOD, THE
PRESIDENT - MICHAEL H. MICHAUD

NAYS		0	
ABSENT		2	Rep. Bagley of Machias, Sen. Youngblood of Penobscot

ABSENT: Senators: ABROMSON, BROMLEY,
DOUGLASS, LONGLEY, NUTTING

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gary M. Koocher of Portland, for appointment to the Workers' Compensation Board be confirmed.

Signed,

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John C. Cooney** of Brunswick, for appointment to the Workers' Compensation Board was **CONFIRMED**.

S/Peggy A. Pendleton S/John F. McDonough
Senate Chair Acting House Chair

READ and ORDERED PLACED ON FILE.

The Secretary has so informed the Speaker of the House of Representatives.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

The Following Communication: S.C. 364

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#139)

YEAS: Senators: None

NAYS: Senators: BENNETT, CARPENTER, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, BROMLEY, DOUGLASS, LONGLEY, NUTTING

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Gary M. Koocher** of Portland, for appointment to the Workers' Compensation Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 365

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

June 15, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Anthony Monfiletto of Yarmouth, for reappointment to the Workers' Compensation Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Pendleton of Cumberland, Rotundo of Androscoggin
	Representatives	9	Chase of Levant, Cressey of Baldwin, Haskell of Milford, Hatch of Skowhegan, Kasprzak of Newport, Lessard of Topsham, McDonough of Portland, McLaughlin of Cape Elizabeth, Murphy of Berwick
NAYS		0	
ABSENT		2	Rep. Bagley of Machias, Sen. Youngblood of Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Anthony Monfiletto of Yarmouth, for reappointment to the Workers' Compensation Board be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/John F. McDonough
Acting House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#140)

YEAS: Senators: None

NAYS: Senators: BENNETT, CARPENTER, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, BROMLEY, DOUGLASS, LONGLEY, NUTTING

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Anthony Monfiletto** of Yarmouth, for reappointment to the Workers' Compensation Board was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Signed,

S/Betty Lou Mitchell
Senate Chair

S/Shirley K. Richard
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

The Following Communication: S.C. 366

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

June 14, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Howard C. Reiche of Falmouth, for appointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Mitchell of Penobscot, Rotundo of Androscoggin
	Representatives	9	Andrews of York, Cummings of Portland, Desmond of Mapleton, Estes of Kittery, Ledwin of Holden, Richard of Madison, Skoglund of St. George, Stedman of Hartland, Weston of Montville
NAYS		0	
ABSENT		2	Sen. Nutting of Androscoggin, Rep. Watson of Farmingdale

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Howard C. Reiche of Falmouth, for appointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

ROLL CALL (#141)

YEAS: Senators: None

NAYS: Senators: BENNETT, CARPENTER,
CATHCART, DAGGETT, DAVIS, EDMONDS,
FERGUSON, GAGNON, GOLDTHWAIT,
KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT,
MARTIN, MCALEVEY, MILLS, MITCHELL,
O'GARA, PENDLETON, RAND, ROTUNDO,
SAVAGE, SAWYER, SHOREY, SMALL, TREAT,
TURNER, WOODCOCK, YOUNGBLOOD, THE
PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, BROMLEY,
DOUGLASS, LONGLEY, NUTTING

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Howard C. Reiche** of Falmouth, for appointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 367

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

June 14, 2001

The Honorable Michael H. Michaud
 President of the Senate of Maine
 120th Maine Legislature
 State House
 Augusta, Maine 04333-0003

ROLL CALL (#142)

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Susan Blethen of Falmouth, for reappointment to the School Board of the Governor Baxter School for the Deaf.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Mitchell of Penobscot, Rotundo of Androscoggin
	Representatives	9	Andrews of York, Cummings of Portland, Desmond of Mapleton, Estes of Kittery, Ledwin of Holden, Richard of Madison, Skoglund of St. George, Stedman of Hartland, Weston of Montville
NAYS		0	
ABSENT		2	Sen. Nutting of Androscoggin, Rep. Watson of Farmingdale

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Susan Blethen of Falmouth, for reappointment to the School Board of the Governor Baxter School for the Deaf be confirmed.

Signed,

S/Betty Lou Mitchell
 Senate Chair

S/Shirley K. Richard
 House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: None

NAYS: Senators: BENNETT, CARPENTER, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, BROMLEY, DOUGLASS, LONGLEY, NUTTING

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Susan Blethen** of Falmouth, for reappointment to the School Board of the Governor Baxter School for the Deaf was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Chester "Chet" H. Chase, of Whitefield, beloved husband, father and grandfather. He was employed at Bath Iron Works during World War II as a lead man ship fitter. He owned and operated the Sheepscot Valley Garage and owned and operated the C.H. Chase Lumber Co. He was road commissioner and plowing contractor in Whitefield. He was a member of the American Tree Farm and of St. Denis Parish. He was also chairman of First Parish Council. A member of Knights of Columbus 3rd and 4th degree councils, he served as state treasurer and state deputy Knights of Columbus. He received a merit certificate from Pope Paul XII. He was a member of the Whitefield School Board, serving as chair for more than 20 years and chair of the Whitefield Sesquicentennial Commission in 1959. He will be missed by his family and friends;

SLS 371

Sponsored by Senator KILKELLY of Lincoln.
 Cosponsored by Representative RINES of Wiscasset.

READ.

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

Senator **KILKELLY**: Thank you, Mr. President. Men and women of the Senate. All of us who have come to be in this chamber know from our campaigning experience and the work that we do that the best part of all of this is the wonderful people that we meet. I want to just tell you a brief story about my first encounter with Chet Chase fifteen years ago when I was running for the other body, my very first campaign. I was working as the school food service director in Boothbay Harbor and every afternoon I hit as many doors as I could. Wherever I'd see people working, I'd stop and chat with them. So one afternoon, driving through Whitefield, there was a gentleman out in a field, out in a sheep pasture. There was another gentleman standing by the fence talking. So I pulled the car over and got out of the car and had my material and walked over and said, 'hi, I'm Marge Kilkelly. I'm running for the House of Representatives.' The man out in the pasture sort of stopped and thought about that for a minute. Then he said, 'why aren't you home taking care of the kids?' And I said, 'because I already did that and I like this better.' He said, 'what's the matter, can't you cook?' I said, 'I cook very well, thank you. I serve lunch everyday to about 500 kids and not a one of them complains.' And he came over and we had a wonderful conversation. I won that first race and a couple of days after the election I got a lovely card. It has a pink rose on it. It's a card that I still have on my desk to this day. Signed, 'your Republican friend, Chet.' It just part of the wonderful experience for me of meeting people in the district and getting to know people and being involved with them. The Chase family is a family that is very well known in Whitefield and very well respected. They really have been a traditional family in that area, running businesses, working in government, doing many things for the community. The loss of Chet is really a loss for that whole community. But what he leaves is a tremendous family, children and grandchildren and great-grandchildren, that will carry on that name and carry on the tradition of being part of the community and caring about their community. I'm delighted that some of the Chase family members are here today to share in this moment and receive this Joint Resolution. Thank you.

ADOPTED.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the family of Chet Chase. The Chair would ask them to rise to accept the greetings of the Senate chamber.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT**: Thank you, Mr. President. I would like to ask the members of the Senate to join me today in recognizing a constituent of mine, Joan Bartlett. She's retiring after 37 years of service, 43 years of those in banking experience. She's the past President of the Business and Professional Women's Club here in Augusta and she's been the chair of the Board of Trustees of the Old Fort Western Museum. She's been awarded the Frederick Savage Award in 1991 by the Board of Trustees of the Old Fort Western Museum for her outstanding leadership and service. She's been a standing member of the Augusta Tree Board since 1995. She's here in the chamber and I hope you will join me in recognizing her for her service today.

THE PRESIDENT: The Chair would ask Joan Bartlett, who is in the rear of the chamber, to please rise to accept the greetings of the Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act" H.P. 1352 L.D. 1809

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-718).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718).**

Report **READ.**

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

Senate

Ought to Pass As Amended

Senator **TURNER** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Maine Health Data Organization Laws" S.P. 395 L.D. 1310

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (S-348).**

Report **READ.**

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1376

**JOINT RESOLUTION RECOGNIZING
THE 225TH ANNIVERSARY OF
THE UNITED STATES OF AMERICA**

WHEREAS, 2001 is the 225th anniversary of the birth of the United States of America and it was on July 4, 1776 that representatives of the 13 English colonies signed the Declaration of Independence, which asserted the right of the people to form a new government; and

WHEREAS, this declaration held that certain truths were self-evident, "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, ... Life, Liberty and the pursuit of Happiness"; and

WHEREAS, those known as the Founding Fathers, on that day 225 years ago, made a vow with these elegant words: "And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor"; and

WHEREAS, the Revolutionary War was passionately fought, resulting in the new nation of the United States of America, and each year we Americans celebrate our freedom, our history and our heritage on the 4th of July; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to reflect on the special occasion of the 225th anniversary of the birth of our nation, the United States of America, and honor those who fought for our freedom 225 years ago.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1377

**JOINT RESOLUTION URGING THE
MAINE PRESS ASSOCIATION
TO PAY FOR VETERANS' OBITUARIES**

WHEREAS, veterans of the Armed Forces of the United States bravely and unselfishly risked their lives defending the freedom of the United States; and

WHEREAS, veterans of the Armed Forces of the United States have made great sacrifices in order to preserve the rights that we as citizens of the United States hold dear, particularly our First Amendment rights to free speech; and

WHEREAS, veterans who have passed away deserve special recognition upon their death for their contributions, bravery and sacrifices; and

WHEREAS, the cost of printing a special obituary recognizing a veteran who has passed away is a small sacrifice to Maine newspapers; now, therefore, be it

RESOLVED: That We, your Memorialists, the members of the 120th Legislature now assembled in the First Regular Session, respectfully urge and request that the Maine Press Association direct its members to assume the cost of obituaries that specially recognize veterans of the Armed Forces who are Maine citizens; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Press Association for distribution to its members.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1378

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS
OF THE UNITED STATES TO REAUTHORIZE THE
NORTHEAST INTERSTATE DAIRY COMPACT**

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, Maine has nearly 500 dairy farms annually producing milk valued at over \$100,000,000; and

WHEREAS, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

WHEREAS, a University of Connecticut study, done while the Northeast Interstate Dairy Compact has been in existence, concluded that from July 1997 to July 2000, the price of milk to the consumer increased 29¢ of which 4 1/2¢ went to the farmer; and

WHEREAS, Maine is a member of the Northeast Interstate Dairy Compact; and

WHEREAS, the Northeast Interstate Dairy Compact will terminate at the end of September 2001 unless action is taken by the Congress to reauthorize it; and

WHEREAS, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to assure consumers of an adequate, local supply of pure and wholesome milk and also helps support the Women, Infants and Children program, commonly known as "WIC"; and

WHEREAS, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

WHEREAS, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

WHEREAS, actions taken by the compact have directly benefited Maine dairy farmers by not diminishing the farmer's share; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, 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 Resolve

Resolve, to Establish a Centralized Voter Registration List for the State

H.P. 182 L.D. 193
(S "A" S-341 to C "A" H-438)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act to Amend the Laws Governed by the Commission on Governmental Ethics and Election Practices

H.P. 1013 L.D. 1350
(C "A" H-602)

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

Senator **KILKELLY** of Lincoln was granted unanimous consent to address the Senate off the Record.

Senator **CARPENTER** of York 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.

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

RECESSED until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

S.P. 322 L.D. 1090
(S "A" S-347)

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

Pending - **FURTHER CONSIDERATION**

(In House, June 13, 2001, **PASSED TO BE ENACTED.**)

(In Senate, June 13, 2001, on motion by Senator **EDMONDS** of Cumberland, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED**. On further motion by same Senator, Senate Amendment "A" (S-347) **READ** and **ADOPTED**. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-347)**, in **NON-CONCURRENCE**.)

(In House, June 13, 2001, **PASSED TO BE ENACTED**, in **NON-CONCURRENCE**.)

Senator **FERGUSON** of Oxford moved the Senate **RECEDE** and **CONCUR**.

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

Senator **MARTIN:** Thank you very much, Mr. President and members of the Senate. I have no desire to prolong the agony of this and another bill. But I do think that it is important to make some comments about the history of fingerprinting because I think so many members in this body were not here when all this took place and I think it ought to be placed, if none other, so that others in the future can look at what is being said. Let me just begin by indicating to you that I was a co-chair of the Education Committee along with the Senator from Sagadahoc, Senator Small. I was then a member of the House and obviously she was a member of the this body. The initial proposal that came forth was to get the records from DHS to see if there had been any child abusers in the school systems. That would be what they would use to determine whether or not certification should be continued or not continued. Subsequent to that, a number of us felt very uncomfortable with that, and at that point, the Maine Teachers Association, now the MEA, basically came forth with the proposal that you have that is now on the books. I was one of those very uncomfortable with the whole question of fingerprinting and the whole question of what was being contemplated. So what we have now on the books is there because of the efforts of the MEA. You would think today that the legislature and some members of the legislature are the

greatest enemies to the MEA that have ever walked the face of the earth. This is, frankly, very disturbing to me. The problem, obviously, is that now we've started. We now have 1,400 teachers and other school personnel who have been blemished because of the information that leaked out. Right or wrong, and I don't know the answer to that. I was involved in trying to see whether there was a way that we could deal with the issue of that information being released. That was done with a number of the Senators in this body. We thought that we could separate the issues and try to deal with the question of releasing the information to determine how many certifications, in fact, had been denied. Then, of course, the marriage took place, and subsequent to that, we then came up with the bill being referred to a Committee of Conference and from there it would never see the light of day. So now you have a situation where this figure is now outstanding, and I don't care how much you try to correct it, it doesn't matter what we do, the press and the citizens of this state will continue to point out that there are 1,400 persons in the school system in this state who have marks against them. I had hoped that the MEA would have allowed the other bill to go forth so that we could narrow those numbers down to those whose certifications will not be renewed and not to everyone who has now been blemished by that announcement. That, to me, is very disturbing. That fact and the responsibility for the lack of that being not provided to the citizens of Maine lies squarely on the shoulders of the leadership of the MEA and not on the teachers of this state. They are singularly responsible so that now the citizens of this state will continue to believe that there are 1,400 people who now have blemishes, how small we don't know, whether or not certification will be denied, that's what they are going to hear. Now the next piece will now go to simply repeal the entire law and that will now go to the Chief Executive. Imagine now what your constituents and mine will think. That with lack of information, lack of knowledge, but knowing there are 1,400, we now are going to consider the repeal of fingerprinting, knowing that 1,400 people in this state, working with the children of this state, have blemishes against them, which could be all the way from driving under the influence to sexual child abuse. That is what it says. As we vote on this legislation today, as it goes to the Chief Executive, just think about that. What message are we giving? What message are we delivering to the citizens of this state? I agree with the Senator from Piscataquis, Senator Davis, who told me before we started this. Let's get rid of it. There is no hope. There appears no way to reach to where we ought to go. But to me it still doesn't feel right. It doesn't feel right because we all know that this vote today will come back to haunt us. There is absolutely no question about that in my mind. We'll all pay the price and perhaps we ought to.

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

Senator **SMALL:** Thank you, Mr. President. Men and women of the Senate. I understand that nobody's mind is going to be changed at this juncture. That's really not my intent for now speaking. I first want to request a roll call when the vote is taken. I also wanted to explain just very briefly, why we originally enacted this. Particularly for the new members who are here and voting on this today and this bill has not had the benefit of a public hearing. Perhaps you might be interested in a little of the details that led up to this. Something that might have come out had we had a public hearing on this. But of course, we haven't. I think the good Senator from Aroostook, Senator Martin, talked a

little bit about the genesis of this bill and how it came to the committee. But we had it on more than one occasion in front of our committee for re-debate. It was brought back again last session when the cost of fingerprinting was a big issue. Once again, there was a real hard look at what this legislation would do and how we could refine the bill and perhaps make it a little bit more palatable. Certainly, the undertaking of the cost by the state was one of those attempts to make it a little less onerous for the teachers and the support personnel that would have to undergo this. There has been a lot of talk about this bill as not necessary. That we don't need it. That it is really not going to stop child abuse. I would concur that this is not going to stop child abuse. Child abuse is out there in many different forms, in our families, and in other places. This is not designed to stop child abuse. It is an attempt to make sure that we don't have people with convictions in our school system. Something they have to fill out when they do an application for a school and for their certification. Obviously, there is a clause that says have you been convicted of any felonies? One assumes that most of the time when people put down 'no' that they are being truthful. But on those rare occasions when they are being untruthful, probably the most accurate way of checking on this is to do a background search. Now some states don't do fingerprinting, they just conduct background searches. This would entail having to go to every state that offers this and do those individually. Obviously that would be very expensive, very cumbersome, and not every state participates in this. So the one way to be able to check with all 50 states is to do the fingerprinting and to go through the FBI. When we looked at whether we needed this or not, some of the information that came forward to our committee was that in the past ten years, without the criminal background check and through what we call dumb luck, they were able to find 42 teachers and support staff and administrators who would have been disqualified from holding a license in our public schools, license or approval. It was through someone reporting them, someone reading about them in a newspaper, an article about a conviction out-of-state that brought this to the attention of the personnel in the departments so that they were able to take away their certification. Of the 42 individuals that they found in the last ten years, 27 individuals had convictions for sexual abuse or sexual contact with a minor child. Of those, three-quarters were long-time employees of the school system. The result of those people were assaults on over 50 children in the school system. This was over ten years, and as I said, through dumb luck. Now the question we have to ask ourselves is, did we get them all? Did we get all the convicted child molesters, child abusers, through that happenstance of uncovering these people? I suppose we may never know. If this bill were to go forward, and we were not offered an opportunity to release the data that the department is currently holding on the number of people who were denied certification, I guess we won't know. We'll just have to wonder whether those 42 that we found in the last ten years, and some of you have read the cases in previous handouts. We'll just have to wonder whether we've taken care of the people that had previous convictions, which we asked for information on in the application, whether we got that all. That is a decision that I had to make. It's a decision that each and every one will have to make. But before I close, for those that feel that somehow this legislation is putting down teachers or casting aspersions on teachers and support personnel, I think that is the farthest thing from our minds. It certainly was when we were on the committee. We served on the Education Committee because we value education and you cannot value education without valuing the

teachers that are the number one reason why children succeed or don't succeed. Not only that, the Education Committee was made up, I believe, primarily of educators, former educators, people who had worked at the University system. So it wasn't people with any sort of vendetta against educational personnel. It was people who had a sincere duty and devotion to education and to the children that it serves. I just want to read to you remarks that were made in 1997. It was testimony of the MEA legal council who appeared before our committee. His remarks, I will take just a portion of to spare you some of the lengthiness of it, said, 'where federal record checks are necessary and appropriate if the department is to carry out its existing duty to screen certification candidates for criminal convictions which may disqualify them' and then it goes on, 'we recognize that it is reasonable for any school employee who has access to children to be subject to the same record checks.' They endorsed this proposal. Now I understand that they have chanced their mind and have, for whatever reason, taken back their support of this. But I think it should be understood within this body that at the time that we were going forward with this we did have the support of the teachers' union, we had the support of the teachers that served on our committee, and we had the support of the school boards and the administrators and the PTA because we felt that this was one step that we could do not to eradicate child abuse but to assure that people who had prior convictions would not have access to our children within the school system. So I hope you will consider this when we cast our votes that are pretty much already cast in stone. But I just wanted to allow an opportunity, particularly for the new people here, to get a little bit more information on where the bill came from and what the deliberations were in the Education Committee at that time. I thank you very much, Mr. President.

Senator **SMALL** of Sagadahoc requested a Roll Call.

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

Senator **MITCHELL:** Thank you, Mr. President. Women and men of the Senate. You have just listened to the good Senator from Aroostook, Senator Martin, and the good Senator from Sagadahoc, Senator Small, who have given you an in-depth explanation of the tireless hours that have been spent, the consent of the teachers, of the teachers' union, MEA, and of all of the work that went into putting this law into effect. The monies that we have invested into this so that we could protect pedophiles from coming from out-of-state to here. To protect so that when people come out from after serving a jail sentence for assaulting children that they know they're not free to be able to achieve a job or acquire a job in a state where there is no fingerprint requirements and the fact that there are 40 states, as you already know, who do have a fingerprinting law in effect. I know decision have already been made, but I would ask you, after listening to these two good Senators, to think about changing your decision on voting on the Recede and Concur. I would move that we Recede so that we can move on to Indefinitely Postpone. We don't need to have this go to our Governor and we don't need to have it come back under a veto situation. We can maintain our credibility for the work we've done in the past and stand on solid ground on what we need to do in the future. Work towards the end of the fingerprinting, protect our people in this state. If we need to address this in two years, fine. After we've had facts that are proven and we have reason and rational

other than emotion to make that decision. So I would move that we Recede.

Senator **MITCHELL** of Penobscot moved the Senate **RECEDE**.

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

Senator **MCALLEVEY:** Thank you, Mr. President. Men and women of the Senate. I would just like to add one very brief comment that I haven't heard discussed very often. First of all, I have confidence in this chamber. We represent everyone in this state, moms, dads, and children, in how we vote today. There is an unintended consequence should this fingerprinting law be repealed. That is that we would then become a sponge for people who may want to move into the state from elsewhere for all those wrong reasons. I don't think I need to go into them because I've already articulated what I thought about that 00.1% of people who masquerade as educators and support staff to get at children. But I would ask you to search your souls and disregard any action that the Executive may take and vote to protect children. Vote for their interests. We are the last line of defense for them. I'd ask you to look in your heart and do what you believe is in the best interest for protecting our children. If repealing this law is in their best interest, so be it. I don't happen to think it is and I think that many other people in this chamber also stand with me and others and believe that we are here to protect children. Is it perfect? No it isn't. Most of what we do for legislation is not perfect. But it is a start. Thank you.

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

Senator **MILLS:** Mr. President and men and women of the Senate. Just as the good Senator from Aroostook, Senator Martin, was speaking, I was reflecting back over my law practice for the past 28 years. I haven't done a lot of criminal law work but I have done some. It just hit me that I have actually represented at least three people who were ultimately convicted or who plead guilty to the sexual abuse of children. I can bring those names and those faces back to mind very clearly. I want to tell you something that is fairly scary. They were very likable people. They were very socially acceptable. They were fairly smart people, all three of them. I swear to you, you would never have any idea from knowing them that they would be capable of such a thing. Indeed, their close family members expressed as much incredulity as anyone that such things could happen. The only thing, to this day, that separates them out from the rest of society is the fact that they have a criminal conviction. Their fingerprints are on file here in the State of Maine. They are all out of jail, out of prison, at this point. They didn't serve very long sentences, thanks to me. But they did serve time. They did have a conviction. I hope and pray that in each case it was an isolated event, which is what lead to the rather short sentences in each case, and that they won't be repeaters. But we don't have any idea, no one can predict whether they will or not. So if you think there is some other way of knowing, trust me, there isn't. They walk among us daily. There is no little badge that allows you to discriminate or to distinguish these people from others in our society. I, at times, wish that we had some of the same customs and traditions as Parliament has. When you go over there and somebody is speaking and you approve of what they are saying, you can shout hurrah and yea and hip hip. If you don't approve

of what they're saying, you can boo and hiss and malign the speaker. It's very rowdy and somewhat refreshing, I think. I just wanted to say that I was listening to the good Senator from Aroostook, Senator Martin, and I just wanted to say, me to, hip hip, hurrah. Thank you.

The Chair ordered a Division.

On motion by Senator **MITCHELL** of Penobscot, 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 (#143)

YEAS: Senators: BENNETT, CARPENTER, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALLEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, ROTUNDO, SAWYER, SMALL, TURNER

NAYS: Senators: BROMLEY, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, KILKELLY, KNEELAND, RAND, SAVAGE, SHOREY, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, NUTTING

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MITCHELL** of Penobscot to **RECEDE**, **PREVAILED**.

Senator **ROTUNDO** of Androscoggin moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

Senator **TURNER:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I would encourage you to vote in favor of this motion, recognizing that the information that really is needed to make an informed decision lies somewhere dead or dying between the two chambers of this institution. Until we have that information, I don't think, in good conscience, we can do anything but take the action that is before us which is to Indefinitely Postpone. I would encourage that you vote in that fashion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Indefinitely Postpone the Bill and accompanying papers, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#144)

YEAS: Senators: CARPENTER, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, ROTUNDO, SAWYER, SMALL, TURNER

NAYS: Senators: BENNETT, BROMLEY, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, KILKELLY, KNEELAND, RAND, SAVAGE, SHOREY, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, NUTTING

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

President Pro Tem **BENNETT** of Oxford moved the Bill and accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

The Chair ordered a Division.

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 (#145)

YEAS: Senators: BENNETT, CARPENTER, DOUGLASS, GOLDTHWAIT, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, MITCHELL, O'GARA, PENDLETON, ROTUNDO, SAWYER, TURNER

NAYS: Senators: BROMLEY, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, KILKELLY, KNEELAND, RAND, SAVAGE, SHOREY, SMALL, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

ABSENT: Senators: ABROMSON, NUTTING

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion by President Pro Tem **BENNETT** of Oxford to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE, FAILED**.

Senator **DAGGETT** of Kennebec moved the Senate **CONCUR**.

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

President Pro Tem **BENNETT** of Oxford moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**. Subsequently, same Senator requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

The same Senator moved to **TABLE** until Later in Today's Session, pending the motion by Senator **DAGGETT** of Kennebec to **CONCUR**. (Roll Call Ordered)

At the request of Senator **FERGUSON** of Oxford a Division was had. 23 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by President Pro Tem **BENNETT** of Oxford to **TABLE** until Later in Today's Session, pending the motion by Senator **DAGGETT** of Kennebec to **CONCUR, PREVAILED**. (Roll Call Ordered)

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

An Act to Amend the Laws Governed by the Commission on Governmental Ethics and Election Practices
H.P. 1013 L.D. 1350
(C "A" H-602)

Tabled - June 18, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)**, in concurrence.)

(In House, June 18, 2001, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by the President.

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

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

Bill "An Act to Repeal the Requirement that School Employees be Fingerprinted"

S.P. 322 L.D. 1090
(S "A" S-347)

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

Pending - pending motion by Senator **DAGGETT** of Kennebec to **CONCUR** (Roll Call Ordered)

(In House, June 13, 2001, **PASSED TO BE ENACTED**.)

(In Senate, June 13, 2001, on motion by Senator **EDMONDS** of Cumberland, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED**. On further motion by same Senator, Senate Amendment "A" (S-347) **READ** and **ADOPTED**. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-347)**, in **NON-CONCURRENCE**.)

(In House, June 13, 2001, **PASSED TO BE ENACTED**, in **NON-CONCURRENCE**.)

(In Senate, June 18, 2001, on motion by Senator **MITCHELL** of Penobscot, **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-347)**. Motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**. Motion by President Pro Tem **BENNETT** of Oxford to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, **FAILED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#146)

YEAS: Senators: **BROMLEY, CATHCART, DAGGETT, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, PENDLETON, RAND, SAVAGE, SHOREY, TREAT, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD**

NAYS: Senators: **BENNETT, CARPENTER, DOUGLASS, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, MITCHELL, O'GARA, ROTUNDO, SAWYER, SMALL, TURNER, WOODCOCK**

ABSENT: Senators: **ABROMSON, NUTTING**

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DAGGETT** of Kennebec to **CONCUR, PREVAILED** and 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:

COMMUNICATIONS

The Following Communication: S.C. 369

120TH LEGISLATURE JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 18, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 39 An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Purchase School Buses for Public Schools
- L.D. 342 An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Make Maine Courts Compliant with the Federal American With Disabilities Act of 1990
- L.D. 1138 An Act to Enable Low-income and Moderate-income Families to Conserve Energy in Their Homes
- L.D. 1166 An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Fund a Cost Sharing Program for the Construction of Parking Garages in Regional Service Center Communities

L.D. 1319 An Act to Authorize a General Fund Bond Issue in the Amount of \$28,000,000 to Provide Funds for Public School Renovations

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

Sincerely,

S/Sen. Jill M. Goldthwait
Senate Chair

S/Rep. Randall L. Berry
House Chair

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

On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "A" (S-349) to Committee Amendment "A" (H-718) **ADOPTED**.

Committee Amendment "A" (H-718) as Amended by Senate Amendment "A" (S-349) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718) AS AMENDED BY SENATE AMENDMENT "A" (S-349)** thereto, in **NON-CONCURRENCE**.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act"

H.P. 1352 L.D. 1809

Report - **Ought to Pass As Amended by Committee Amendment "A" (H-718)**

(In House, June 13, 2001, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)**.)

(In Senate, June 18, 2001, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-718) **READ**.

On motion by Senator **WOODCOCK** of Franklin, Senate Amendment "A" (S-349) to Committee Amendment "A" (H-718) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Mr. President, ladies and gentlemen of the Senate. The simplicity of this amendment addresses the commission makeup in an attempt to create a commission which is non-partisan and bi-partisan at the same time. This amendment addresses the pool from which the candidates will be selected by the Governor. It seems to me to present a fairer form of commission makeup. The original Committee Amendment was more to address the filing penalties. This particular amendment solely addresses the commission's makeup and the nature of the commission itself. I thank you very much.

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.

Off Record Remarks

RECESSED until 5:30 in the evening.

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Create the Maine Health Data Processing Center" H.P. 980 L.D. 1304

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (H-723)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-723)**.

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

READ ONCE.

Committee Amendment "B" (H-723) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-723)**, 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:

Act

An Act Concerning the Training of Personnel Who Administer Medications in Schools

H.P. 603 L.D. 758
(CC "A" S-346)

Senator **GOLDTHWAIT** of Hancock moved the Bill and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Senator **SMALL** of Sagadahoc rose to a **POINT OF ORDER** as to whether the Bill required a Mandate Preamble.

Senate at Ease.

Senate called to order by the President.

The Chair **RULED THAT IT APPEARS THAT THE BILL MAY NEED A MANDATE PREAMBLE. THIS ISSUE WILL BE REVIEWED BY THE APPROPRIATIONS COMMITTEE AND DETERMINED PRIOR TO THE BILL BEING REMOVED FROM THE SPECIAL APPROPRIATIONS TABLE.**

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:

COMMUNICATIONS

The Following Communication: H.C. 304

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE**

June 18 2001

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

Dear Madam Secretary:

House Paper 1037 Legislative Document 1394 "An Act to Prohibit the Use of State Funds by Health Care Providers to Influence Union Organizing," together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Eighty voted in favor and sixty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 305

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE**

June 18 2001

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

Dear Madam Secretary:

House Paper 883 Legislative Document 1175 "An Act to Require that Benefits for Disability be Continued During a Period of Vocational Rehabilitation under the Workers' Compensation Act," together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Seventy-eight voted in favor and sixty-two against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies, General Renovation Needs and Learning Space Upgrades"

S.P. 549 L.D. 1707

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-357).**

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 "B" (S-358).**

Signed:

Senator:

MILLS of Somerset

Representatives:

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

Reports **READ.**

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)** Report.

The Chair ordered a Division.

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

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

Senator **MILLS:** Mr. President and men and women of the Senate. Just for the clarification of the chamber, I think I'm correct in saying the Majority Report is unlike the title of the bill. The title of the bill suggests a \$15 million capitalization of this bond. However, the Majority Report is at \$20 million. It is the Minority that conforms to the title of the bill at \$15 million. Thank you.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate. That is, indeed, true. But there was a second school renovation bond which was not recommended for passage. So you see before you the total bond money recommended. I don't know how many of you are in possession of the list that I have regarding projects ranked in order as far as their need for construction, but it is considerable. Clearly, even if both bonds had passed, we would not be in a position to fund all of those. So this is a limited amount of money for a very long list of projects and the reason that the Majority Report increased the amount requested in this L.D. was because the other bond bill is no longer before us.

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

Senator **MILLS:** If that is correct, then we have two bonds that do much the same thing. In the original, one was in the amount of \$28 million and the other one, competing with it as an alternative, was in the Governor's Bond Package at \$15 million. The Minority Report would conform to the Governor's recommendation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#147)

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

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

ABSENT: Senator: LAFOUNTAIN

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-357)** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-358) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-358)**.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MILLS** for the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TRANSPORTATION** on Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$61,000,000 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports, Public Transit and Ferry Facilities; Development of Rail, Trail and Marine Infrastructure; and Improvements to Intermodal Facilities Statewide"

S.P. 450 L.D. 1504

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-361)**.

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

READ ONCE.

Committee Amendment "A" (S-361) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361)**.

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

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

REPORTS OF COMMITTEES

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property"

H.P. 1088 L.D. 1457

Had the same under consideration, and asked leave to report:

That they are **Unable to Agree**.

On the Part of the Senate:

Senator **RAND** of Cumberland
Senator **GOLDTHWAIT** of Hancock
Senator **LaFOUNTAIN** of York

On the part of the House:

Representative **LaVERDIERE** of Wilton
Representative **MUSE** of South Portland
Representative **MADORE** of Augusta

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

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED**, to Tuesday, June 19, 2001, at 9:00 in the morning, in memory of and lasting tribute to Chester "Chet" Chase of Whitefield.