

# MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature  
State of Maine

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First Confirmation Session  
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Second 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  
Thursday  
June 21, 2001

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

Prayer by Senator Marge L. Kilkelly of Lincoln County.

**SENATOR KILKELLY:** Good morning. Some folks clip coupons, I happen to clip prayers. This is a Franciscan blessing that I've found and would like to share. I think it fits very well with our work here at the end of the session. Let us pray.

May God bless us with discomfort, uneasy answers, half-truths, and superficial relationships so that we may live deep within our hearts. May God bless us with anger at injustice, oppression, and exploitation of people so that we may work for justice, freedom, and peace. May God bless us with tears to shed for those who suffer from pain, rejection, starvation, and war so that we may reach out our hands to comfort them and to turn their pain into joy. May God bless us with enough foolishness to believe that we can make a difference in this world so that we can do what others claim cannot be done. Amen.

Reading of the Journal of Wednesday, June 20, 2001.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.C. 391

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

June 20, 2001

Dear Members of the 120<sup>th</sup> Legislature,

Enclosed please find S.P. 322, L.D. 1090, "An Act to Repeal the Requirement that School Employees Be Fingerprinted," which I am returning without my signature or approval.

This bill repeals the existing law requiring all school employees, both current and future, to undergo background checks for criminal history, based on fingerprints, at the time of licensing or renewal by the Department of Education.

As a parent who has had children in Maine's public schools for over 25 years, I can attest to the fact that we have an

outstanding, dedicated faculty and staff. Our schools, K-12, are arguably the best in America, and a prime reason for this quality rests with the thousands of fine Maine people who work in our schools.

Let there be no doubt that the overwhelming majority of these extraordinary people who serve our children are of outstanding and unblemished character. Unfortunately, however, tragic experience has also taught us that in any large group of individuals, there are likely to be a small minority who pose a threat to society, in this case, to the very children entrusted to their care. The law which this bill would repeal is in no way an accusation or indictment of any individual or group; it is instead a simple recognition of our responsibility to take cognizance of this unfortunate, but compelling, statistical fact.

The damage that even a handful of the wrong people can do to children is immeasurable and the victims of such damage will be scarred for life.

Let's be clear about the facts surrounding this law. The background check is a device for prevention, not accusation, and is a uniformly applied requirement for all school employees. The Attorney General has unequivocally opined that the law is constitutional. Many other professions require background checks. Until 1972, all Maine school children were fingerprinted for safety reasons. Numerous other Maine residents have been fingerprinted, including more than 150,000 who were printed during military service. Mary and I were fingerprinted in 1994 as part of the adoption process – after I had been a parent for 24 years - and I did not view this in any way as an accusation, but rather as a reasonable precaution where a child's life and welfare was at stake.

I cannot support L.D. 1090 because it removes a sensible safeguard to protect our children and our educational resources from individuals with proven criminal convictions. For many years, the Department of Education has had common sense rules prohibiting individuals with dangerous convictions from being licensed to work in our schools. To my knowledge, there has never been any objection to this rule. Criminal history records checks, based upon fingerprinting, are simply a systematic, consistent, and accurate means to enforce this prohibition. Importantly, the law sends a strong message that should deter individuals with serious convictions from seeking or continuing employment in Maine schools.

Unfortunately, some individuals have stated their intention to resign from school employment rather than comply with the requirement for background checks, based on the view that these checks are unconstitutional, burdensome, or imply an accusation of personal wrongdoing. The existing law for background checks is in fact none of these things, and the personal belief of some individuals to the contrary, no matter how sincerely held, is no rationale to undo reasonable and appropriate policy.

I should mention that I have talked at length to a number of those educators most passionately opposed to the law, and count some of them as old friends. I am fully convinced of the utter sincerity of their beliefs with regard to this issue and categorically reject the argument that their position is based in any way upon a desire to obscure anything in their past. But try as I might, I cannot find a principle – constitutional, ethical, or

moral – that outweighs the benefit to society generally, and to our children in particular, that this law can and will bestow.

L.D. 1090 would erase a law that was carefully crafted and studied extensively by all stakeholders prior to enactment by the Legislature in 1997. The process for conducting background checks is designed to be constitutional, to be consistent, to ensure confidentiality of all individual criminal records, and to be narrowly tailored to focus on recent, serious criminal convictions which show that an individual poses a threat to children.

Regrettably, L.D. 1090 would move Maine away from the national standard. At present, 38 states, plus New York City and Washington, D.C., require records checks based in varying ways on fingerprinting, and 4 states permit this as a local option. Passage of L.D. 1090 would place Maine with just 8 other states with no fingerprinting requirement.

The most compelling argument to me, and the ultimate reason I cannot sign this bill, is the stark fact that if we take this step and eliminate this sensible and non-intrusive requirement, some day - two, five, or ten years from now - we will awaken to news of a horrendous case which could have been prevented had the law remained in place – and all of us who supported the bill – including me if I sign it – will bear a measure of responsibility. This I cannot and will not do.

For the reasons outlined above, I believe that background checks using fingerprinting as a means should be required for all school employees as a safeguard for children. I am in firm opposition to L.D. 1090, and I respectfully urge you to sustain my veto.

Sincerely,

S/ Angus S. King, Jr.  
Governor

**READ and ORDERED PLACED ON FILE.**

The Accompanying Bill:

An Act to Repeal the Requirement that School Employees Be Fingerprinted

S.P. 322 L.D. 1090

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

**ENACTORS**

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

**Emergency Measure**

An Act to Make Supplemental Highway Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003

S.P. 388 L.D. 1285  
(C "A" S-344)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in the negative, and 26 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 Resolve**

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

H.P. 1085 L.D. 1454  
(S "A" S-376 to C "A" H-445)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Improvements to Equipment and Technology at Vocational High Schools Statewide

S.P. 437 L.D. 1439  
(C "A" S-352)

The Chair ordered a Division.

On motion by Senator **DAGGETT** of Kennebec, 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 (#156)**

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

NAYS: Senators: ABROMSON, BENNETT, DAVIS, FERGUSON, KNEELAND, LEMONT, MARTIN, SAVAGE, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD

ABSENT: Senators: GAGNON, MCALEVEY, MILLS, MITCHELL, NUTTING, RAND, SAWYER

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 15 Members of the Senate, with 13 Senators having voted in the negative, and 15 being less than two-thirds of the Members present and voting, **FAILED ENACTMENT, in NON-CONCURRENCE.**

Senator **MARTIN** of Aroostook moved the Senate **RECONSIDER** whereby the Bill **FAILED ENACTMENT, in NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Bill **FAILED ENACTMENT, in NON-CONCURRENCE.**

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**Bond Issue**

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  
(C "A" S-361)

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act Concerning Tax Anticipation Notes and Authorizing Expenditures for Funding among Pharmaceutical Benefits Programs" (EMERGENCY)

H.P. 1382 L.D. 1830

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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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 Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

H.P. 94 L.D. 98  
(S "A" S-394 to C "A" H-133)

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

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**Emergency Measure**

An Act to Ensure Access to Assisted Living Services Programs

H.P. 653 L.D. 853  
(S "A" S-392)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act to Extend the Youth in Need of Services Oversight Committee

H.P. 780 L.D. 1024  
(S "A" S-390 to C "A" H-207)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Measure**

An Act Regarding the Care and Treatment of Persons with Mental Illness Who are Incarcerated

S.P. 331 L.D. 1099  
(S "A" S-382 to C "A" S-239)

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

**Emergency Measure**

An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

S.P. 568 L.D. 1732  
(S "A" S-386 to C "A" S-180)

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

**Emergency Resolve**

Resolve, to Extend the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

H.P. 28 L.D. 28  
(C "A" H-21; S "A" S-379)

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.

**Emergency Resolve**

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State

S.P. 513 L.D. 1632  
(S "A" S-385 to C "A" S-107)

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.

**Emergency Resolve**

Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Attainment

S.P. 616 L.D. 1797  
(S "A" S-389 to C "A" S-314)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Emergency Resolve**

Resolve, to Require Further Study of the Effect and Cost Impact of Mental Illness on the State and Private Health Insurance

H.P. 1364 L.D. 1821  
(S "A" S-393; H "A" H-684)

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.

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 to Address the Affordable Housing Crisis in the State

S.P. 506 L.D. 1593  
(C "C" S-356)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, 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 Members present and voting, was **PASSED TO BE ENACTED** and signed by the President.

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#157)**

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

NAYS: Senators: None

ABSENT: Senators: NUTTING, RAND, SAWYER

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 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.

**Acts**

An Act to Promote Dam Safety

H.P. 379 L.D. 481  
(S "A" S-380 to C "A" H-559)

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  
(S "B" S-387; C "A" H-658)

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

Senator **TURNER** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

**Resolves**

Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security  
H.P. 777 L.D. 1021  
(S "A" S-381)

An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs

S.P. 376 L.D. 1214  
(S "A" S-391 to S "A" S-174)

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

**ORDERS OF THE DAY**

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

An Act to Eliminate the Fee for Veterans Registration Plates  
S.P. 14 L.D. 31  
(C "A" S-81)

Tabled - May 3, 2001 by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, April 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81).**)

(In House, May 3, 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.

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

An Act to Designate the Ryefield Bridge an Historic Bridge  
S.P. 82 L.D. 302  
(C "A" S-9)

Tabled - March 31, 2001 by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, March 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-9).**)

(In House, March 30, 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.

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

An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License  
S.P. 208 L.D. 773  
(C "A" S-47)

Tabled - May 4, 2001 by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, April 30, 2001, **PASSED TO BE ENACTED** in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order (SP 608), in concurrence.)

(In Senate, May 4, 2001, **RECONSIDERED PASSAGE TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force

H.P. 1238 L.D. 1683  
(C "A" H-221)

Tabled - May 7, 2001 by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, May 2, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**, in concurrence.)

(In House, May 7, 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.

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

An Act Regarding Uninsured Drivers  
S.P. 425 L.D. 1380  
(S "A" S-334 to C "A" S-144)

Tabled - June 13, 2001 by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto.)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-144) as Amended by Senate Amendment "A" (S-334) thereto.

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



On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-334) to Committee Amendment "A" (S-144) and **INDEFINITELY POSTPONED** the same, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-397) to Committee Amendment "A" (S-144) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Mr. President. The amendment that I just placed on this bill merely takes care of cross-referencing for the particular bill. Thank you, Mr. President.

On motion by Senator **SAVAGE** of Knox, Senate Amendment "B" (S-397) to Committee Amendment "A" (S-144) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144) AS AMENDED BY SENATE AMENDMENT "B" (S-397)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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Off Record Remarks

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Senator **SAVAGE** of Knox was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure Appropriate Audit Procedures  
H.P. 211 L.D. 246  
(C "A" H-664)

Tabled - June 6, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 4, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**, in concurrence.)

(In House, June 5, 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.

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

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase the Bond Ceiling of the University of Maine System  
S.P. 154 L.D. 498

Tabled - May 10, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 2, 2001, **PASSED TO BE ENGROSSED**.)

(In House, May 9, 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.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning the Training of Personnel Who Administer Medications in Schools  
H.P. 603 L.D. 758  
(CC "A" S-346)

Tabled - June 18, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 13, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-346)**.)

(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.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency Measure**

An Act to Conform the Maine Tax Laws for 2000 with the United States Internal Revenue Code  
H.P. 784 L.D. 1028  
(C "A" H-106)

Tabled - April 30, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**, in concurrence.)

(In House, April 30, 2001, **PASSED TO BE ENACTED.**)

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.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees

H.P. 856 L.D. 1128

Tabled - May 21, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 16, 2001, **PASSED TO BE ENGROSSED**, in concurrence.)

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

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

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House Property Located at the Stevens School Campus in Hallowell

S.P. 338 L.D. 1145  
(C "A" S-60)

Tabled - May 2, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-60).**)

(In House, May 1, 2001, **FINALLY PASSED.**)

**FINALLY PASSED** and signed by the President.

(See action later today.)

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service

H.P. 941 L.D. 1255  
(H "B" H-483 to C "A" H-437)

Tabled - May 22, 2001, by Senator **MILLS** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437) AS AMENDED BY HOUSE AMENDMENT "B" (H-483)** thereto, in concurrence.)

(In House, May 22, 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.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Transfer Administration of Certain Reimbursement Functions of the Workers' Compensation Employment Rehabilitation Fund to a Voluntary Coalition of Parties in Interest  
S.P. 433 L.D. 1413  
(C "A" S-309)

Tabled - June 7, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 4, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-309).**)

(In House, June 6, 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.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement Maine's System of Learning Results  
S.P. 582 L.D. 1760  
(C "A" S-303)

Tabled - June 12, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303).**)

(In House, June 11, 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.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

S.P. 615 L.D. 1795  
(C "A" S-233)

Tabled - May 24, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-233).**)

(In House, May 24, 2001, **FINALLY PASSED.**)

**FINALLY PASSED** and signed by the President.

Senator **MARTIN** of Aroostook posed a parliamentary inquiry regarding whether or not the Resolve violates the Constitution in reference to sale of State owned land.

**THE CHAIR RESPONDED THAT IT IS NOT UP TO THE PRESIDING OFFICER OR ANY MEMBER OF THE CHAMBER TO RULE THE CONSTITUTIONALITY OF BILLS.**

Senator **MARTIN** of Aroostook moved the Senate **RECONSIDERED** whereby the Resolve was **FINALLY PASSED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Resolve was **FINALLY PASSED**, in concurrence.

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Senator **MARTIN** of Aroostook moved the Senate **RECONSIDER** whereby it **FINALLY PASSED**, in concurrence, the following:

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House Property Located at the Stevens School Campus in Hallowell

S.P. 338 L.D. 1145  
(C "A" S-60)

(In Senate, April 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-60).**)

(In House, May 1, 2001, **FINALLY PASSED.**)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I believe, assuming certainly with his greater knowledge, that the Senator from Aroostook, Senator Martin, is correct about the Constitution. I also believe that the bill went under the hammer in the other body and have now received their necessary two-thirds vote in both body, if that is the requirement. If he has further questions, I would refer him to my attorney, the Senator from Somerset, Senator Mills.

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **MARTIN** of Aroostook to **RECONSIDER FINAL PASSAGE**, in concurrence.

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

**Act**

An Act to Increase Access to Health Care  
H.P. 979 L.D. 1303  
(H "C" H-748 to C "A" H-639)

On motion by Senator **DAGGETT** of Kennebec, 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 (#158)**

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

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

ABSENT: Senators: NUTTING, SAWYER

20 Senators having voted in the affirmative and 13 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.

**ORDERS OF THE DAY**

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

An Act to Repeal the Requirement that School Employees Be Fingerprinted  
S.P. 322 L.D. 1090

Tabled - June 21, 2001, by Senator **SMALL** of Sagadahoc

Pending - **CONSIDERATION**

(In Senate, June 18, 2001, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, June 21, 2001, Veto Communication (S.C. 391) **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the yeas and nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

**ROLL CALL (#159)**

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

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

ABSENT: Senators: NUTTING, SAWYER

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, and 16 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

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

**Emergency Measure**

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

H.P. 94 L.D. 98  
(S "A" S-394 to C "A" H-133)

Tabled - June 21, 2001, by Senator **TURNER** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 20, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133) AS AMENDED BY SENATE AMENDMENT "A" (S-394)** thereto.)

(In House, June 21, 2001, **PASSED TO BE ENACTED.**)

On motion by Senator **TURNER** of Cumberland, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133) AS AMENDED BY SENATE AMENDMENT "A" (S-394)** thereto.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-133) as Amended by Senate Amendment "A" (S-394) thereto.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-394) to Committee Amendment "A" (H-133).

On further motion by same Senator, Senate Amendment "A" (S-394) to Committee Amendment "A" (H-133) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

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

Senator **TURNER**: Thank you, Mr. President. What this does is reinstate the earning limitation that the Labor Committee had unanimously reported out which was at \$20,000. It increases the earning limitation from \$10,000, which is where the limitation had been for many years. There is an indeterminate fiscal note on this. There is an indeterminate fiscal note on the amendment that we had just removed. I believe, as I do believe the good Senator from Cumberland, Senator Edmonds, believes, that this is appropriate for us to do and will have no fiscal impact. Thank you very much.

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

Senator **GOLDTHWAIT**: Thank you, Mr. President. I would just like to state, for the record, the thought process of the committee on this bill. Although we agreed that the level should be increased, we felt that doubling the level at that point was not appropriate and we were willing to increase it by half that amount. I would presume, Mr. President, that were this proposal to be successful, indeterminate though it may be, the bill will have to go back to the Appropriations Table.

The Chair ordered a Division. 22 Senators having voted in the affirmative and 11 Senators having voted in the negative, Committee Amendment "A" (H-133) **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House Property Located at the Stevens School Campus in Hallowell

S.P. 338 L.D. 1145  
(C "A" S-60)

Tabled - June 21, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **MARTIN** of Aroostook to **RECONSIDER FINAL PASSAGE**, in concurrence

(In Senate, April 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-60)**.)

(In House, May 1, 2001, **FINALLY PASSED**.)

(In Senate, June 21, 2001, **FINALLY PASSED**, in concurrence.)

Senator **MARTIN** of Aroostook requested leave of the Senate to withdraw his motion to **RECONSIDER FINAL PASSAGE**, in concurrence.

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

Senator **MARTIN**: Thank you, Mr. President. Members of the Senate. I have read the Constitution and read the bill. The reference to the sale of land in the Constitution applies to public lands, recreational lands, and one other that I've now forgotten since reading it. It does not apply to provisions and land that would be covered by this particular L.D. That would be true of the second L.D. as well.

Senator **MARTIN** of Aroostook received leave of the Senate to withdraw his motion to **RECONSIDER FINAL PASSAGE**, in concurrence.

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

**Resolve**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

S.P. 615 L.D. 1795  
(C "A" S-233)

Tabled - June 21, 2001, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **RECONSIDER FINAL PASSAGE**, in concurrence

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-233)**.)

(In House, May 24, 2001, **FINALLY PASSED**.)

(In Senate, June 21, 2001, **FINALLY PASSED**, in concurrence.)

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Resolve was **FINALLY PASSED**, in concurrence.

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

**Bond Issue**

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  
(C "A" S-361)

Tabled - June 21, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361)**)

(In House, June 20, 2001, **PASSED TO BE ENACTED.**)

On motion by Senator **MILLS** of Somerset, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-361).

On further motion by same Senator, Senate Amendment "A" (S-374) to Committee Amendment "A" (S-361) **READ.**

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

Senator **MILLS:** Mr. President, the purpose of this amendment is to reduce the overall size and scope of the transportation bond from \$61 million to \$57 million by cutting small amounts in each of several categories. The general purpose is in hopes, I think, that the overall package of bonds that we send out to the people in November will be reduced to a level that, perhaps, the people will find acceptable. I think many of us were concerned that we had, as I recall, over \$300 million in proposed bonds for this November. The Governor's package alone was \$123 million, as I recall. The package that is evolving from the two chambers is likely to exceed \$140 million. This is a small change but it will help to reduce the general size of the bond package that this institution sends out to the public. I think the amendment is worthy of your consideration.

Senator **SAVAGE** of Knox requested a Roll Call.

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

Senator **YOUNGBLOOD:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I would urge you to vote against this amendment. It's \$4 million different. At the rate that we spent money yesterday, and no one hates to spend money more than I do, but if we do not have, in this state, an infrastructure that allows for the creation of increased economic activity, we will never be able to raise the income sufficient to cover all the things that we've been spending money on. So on that basis, I will be voting against this amendment and ultimately in favor of the \$61 million.

On motion by Senator **SAVAGE** of Knox, 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 (#160)**

**YEAS:** Senators: BENNETT, BROMLEY, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, LAFOUNTAIN, LEMONT, MILLS, PENDLETON, RAND, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD

**NAYS:** Senators: ABROMSON, CARPENTER, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LONGLEY, MARTIN, MCALEVEY, MITCHELL, O'GARA, ROTUNDO, SAVAGE, YOUNGBLOOD

**ABSENT:** Senators: NUTTING, SAWYER

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "A" (S-374) to Committee Amendment "A" (S-361), **PREVAILED.**

Committee Amendment "A" (S-361) as Amended by Senate Amendment "A" (S-374) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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**HELD MATTER**

Senate at Ease.

Senator **MARTIN** of Aroostook moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Committee of Conference Report on the following:

Senate called to order by the President.

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

Off Record Remarks

(In Senate, June 20, 2001, Committee of Conference Report **READ** and **ACCEPTED** and the Senate **RECEDED** and **CONCURRED** to **COMMITTING** Bill and accompanying papers to Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

**RECESSED** until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER ACCEPTANCE** of the Committee of Conference Report.

**ORDERS OF THE DAY**

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

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

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

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

Tabled - June 21, 2001, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **RECONSIDER ACCEPTANCE** of the Committee of Conference Report

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate on the Record.

(In Senate, June 20, 2001, Committee of Conference Report **READ** and **ACCEPTED** and the Senate **RECEDED** and **CONCURRED** to **COMMITTING** Bill and accompanying papers to Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

Senator **LONGLEY**: Thank you, Mr. President. Colleagues in the Senate. I'm standing to correct the record in terms of the fingerprinting repeal vote. Maybe it was sleep deprivation, but as we both spoke we both ended up, I speak for myself now, voting in support of the repeal when, if I could redo, I would absolutely be voting against supporting the repeal on the basis that I honestly believe the new hires provision was the best way to proceed. I wish that the Governor had been willing to meet us in the middle on this very difficult issue. I did not intend to vote in support of the Governor's actions. I would like to be on the record saying that I was trying to cast my vote in support of meeting in the middle and settling on the continuation of fingerprinting for new hires. Thank you for letting me put that on the record.

Senator **MARTIN** of Aroostook requested and received leave of the Senate to withdraw his motion to **RECONSIDER ACCEPTANCE** of the Committee of Conference Report.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$26,500,000 for Capital Infrastructure at the University of Maine System and the Maine Maritime Academy, and Research and Development Equipment and Infrastructure"

S.P. 551 L.D. 1709

(S "A" S-375; S "B" S-377 to C "A" S-372)

Off Record Remarks

In Senate, June 20, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-372) AS AMENDED BY SENATE AMENDMENTS "A" (S-375) AND "B" (S-377)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-372) AS AMENDED BY SENATE AMENDMENT "B" (S-377)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **CATHCART** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

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Off Record Remarks

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**ORDERS OF THE DAY**

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency Measure**

An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

H.P. 29 L.D. 29  
(C "A" H-48)

Tabled - April 5, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**, in concurrence.)

(In House, April 5, 2001, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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**Emergency Measure**

An Act to Fund the Endowment Incentive Fund

H.P. 33 L.D. 42  
(C "A" H-371)

Tabled - May 15, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance

H.P. 70 L.D. 79  
(C "A" H-432)

Tabled - May 17, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Equity Among Health Care Clinics

S.P. 128 L.D. 404  
(C "A" S-15)

Tabled - March 31, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-15)**.)

(In House, March 30, 2001, **PASSED TO BE ENACTED**.)



On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

S.P. 132 L.D. 456  
(C "A" S-211)

Tabled - May 22, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 17, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211).**)

(In House, May 21, 2001, **FINALLY PASSED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

S.P. 133 L.D. 457  
(C "A" S-100)

Tabled - May 4, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 1, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100).**)

(In House, May 3, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Resolve**

Resolve, to Establish a Fatherhood Issues Study Commission  
H.P. 370 L.D. 472  
(H "A" H-362 to C "A" H-87)

Tabled - May 14, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87) AS AMENDED BY HOUSE AMENDMENT "A" (H-362)** thereto, in concurrence.)

(In House, May 14, 2001, **FINALLY PASSED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program

H.P. 375 L.D. 477  
(C "A" H-625)

Tabled - June 4, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)**, in concurrence.)

(In House, June 4, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Maintain Maine Quality Centers' Current Level of Services

H.P. 570 L.D. 725  
(C "A" H-403)

Tabled - May 15, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Maine Insurance Guaranty Association Act  
S.P. 268 L.D. 915  
(C "A" S-240)

Tabled - May 24, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240)**.)

(In House, May 24, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Expand Benefits Under the Elderly Low-cost Drug Program

H.P. 742 L.D. 961  
(C "A" H-492)

Tabled - May 22, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)**, in concurrence.)

(In House, May 21, 2001, **PASSED TO BE ENACTED.**)

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

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services

H.P. 779 L.D. 1023  
(C "A" H-337)

Tabled - May 14, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole

H.P. 827 L.D. 1081  
(C "A" H-162; H "A" H-482)

Tabled - May 22, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162) AND HOUSE AMENDMENT "A" (H-482)**, in concurrence.)

(In House, May 21, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Enhance Economic Development Capacity  
S.P. 337 L.D. 1144  
(C "A" S-212)

Tabled - May 22, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212).**)

(In House, May 21, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to increase Certain Civil Process Fees  
H.P. 874 L.D. 1153  
(C "A" H-428)

Tabled - May 22, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

### Emergency Measure

An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State

H.P. 916 L.D. 1230  
(C "A" H-354)

Tabled - May 14, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**, in concurrence.)

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

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine  
H.P. 1102 L.D. 1471  
(C "A" H-194)

Tabled - May 3, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**, in concurrence.)

(In House, May 3, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories

H.P. 1161 L.D. 1561  
(C "A" H-595)

Tabled - May 30, 2001 by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**, in concurrence.)

(In House, May 30, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **GOLDTHWAIT** of Hancock, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Expand Research and Development Facilities within the University of Maine System

S.P. 537 L.D. 1668

Tabled - May 8, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 2, 2001, **PASSED TO BE ENGROSSED.**)

(In House, May 8, 2001, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Senator **GAGNON** of Kennebec moved the Senate **RECONSIDER** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE**, the following:

**Bond Issue**

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  
(S "A" S-374 to C "A" S-361)

(In Senate, June 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361).**)

(In House, June 20, 2001, **PASSED TO BE ENACTED.**)

(In Senate, June 21, 2001, on motion by Senator **MILLS** of Somerset, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361)**. On further motion by same Senator, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-361). On further motion by same Senator, Senate Amendment "A" (S-374) to Committee Amendment "A" (S-361) **READ** and **ADOPTED**. Committee Amendment "A" (S-361) as Amended by Senate Amendment "A" (S-374) thereto, **ADOPTED**, in **NON-CONCURRENCE**. **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE**.)

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **GAGNON** of Kennebec to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE**.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

On motion by Senator **MILLS** of Somerset, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Offer Reciprocity Concerning Concealed Firearms Permits

H.P. 224 L.D. 259  
(C "A" H-213)

Tabled - May 14, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**, in concurrence.)

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

On further motion by same Senator, 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-213)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-213), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-324) to Committee Amendment "A" (H-213) **READ.**

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

Senator **MILLS:** Mr. President, this bill, by way of background, I think, was introduced originally to deal with the problem that arises when a law abiding citizen has a concealed weapons permit from one jurisdiction. As you may know, if you have one from the city police department or from the Maine State Police, it does allow you to carry a concealed weapon anywhere in the State of Maine. Unfortunately, if you stray into New Hampshire or Massachusetts or some other "foreign" jurisdiction, you may wind up in violation of those laws. So the proponents of this bill suggested that we, as a state, initiate discussions with other states about a possible reciprocity, particularly for things like hunting rifles, to facilitate people being able to move firearms from one state to another without concern or fear of violating the concealed weapons permit rules of another jurisdiction. The bill, which has passed through both chambers successfully, went to the Appropriations Table because the Maine State Police said that if we attempt to work out reciprocity arrangements with all 49 other states and the District of Columbia, it may take added personnel and administrative burden and they would need another position for that, or a partial position. In further discussions with the Department of Public Safety, it's been resolved that they could very easily, within existing resources, without any added cost, enter into a pilot project arrangement with up to two other states. Perhaps our neighboring states of New Hampshire and one other. They would then report back to the next legislature on whether they had been successful and whether this seems to be an appropriate thing to do and to carry on further. The amendment that I lay before you now is the one that would authorize a pilot project for the Maine State Police to engage in discussions with two other states and would authorize them to set up reciprocity arrangements with such states for recognizing each others concealed weapons permits. It has no cost. Seems to me like a very reasonable thing for us to ask the Department of Public Safety to do. For that reason, I urge your support of the pending amendment and ultimately the bill.

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

Senator **CATHCART:** Thank you, Mr. President. Women and men of the Senate. I ask that you vote against the motion and I would request a division, Mr. President. The Appropriations Committee discussed this matter, L.D. 259, and the proposed amendment this morning. We voted Ought Not to Pass. I felt, personally, that taking off the fiscal note and reducing the number of states with which we would have reciprocity still would not relieve the State Police of an administrative burden and that it is really unfair to give a new burden to them without a new position or two. I'd rather have the state police in the rural areas in my district and yours covering those shifts than doing this kind of administrative procedure. I just wanted you to be aware that the Appropriations Committee had voted Ought Not to Pass on this. Thank you, Mr. President.

Senator **CATHCART** of Penobscot requested a Division.

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

Senator **MCALVEEY:** Thank you, Mr. President. Men and women of the Senate. A couple of points to clarify. The legislation that is pending in respect to this potential amendment has guidelines in it that require that, should we go into a reciprocity mode with another state, those state standards have to be as stringent or more stringent than Maine's so we're not diluting our concealed carried weapons laws. The other issue is that we have a special unit in the state police that does nothing but permit work. They don't patrol. They don't do other issues. They deal with firearm permits, gambling issues, and whatever else. The real issue was that it was hard to develop a fiscal note to begin with. The Department finally agreed that if we would let them do a pilot project to implement the intent of the law for one year and they would report back to us what the actual costs are. We would then be able to come up with a better cost estimate for the future. But I want to reiterate, that should we enter into any reciprocity with another state, those state standards have to be as stringent or more stringent than Maine's. We will not be watering down our concealed carried weapons permit standards. 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. It's already been referenced, but the fact is that this was considered by the Appropriations Committee this morning and the committee decided not to support this proposal. There were some issues that we felt that there was not time for us to clarify in terms of fully understanding it and I believe we looked up the report of the Criminal Justice Committee and this was not one of the priorities on their list. Certainly the Senator from Somerset, Senator Mills, has every right as a member of the committee, to take that off the table and propose any floor action, but I did want to clarify that it was not the recommendation of the committee to do this. Thank you.

On motion by Senator **MILLS** of Somerset, 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 (#161)**

**YEAS:** Senators: ABROMSON, BENNETT, CARPENTER, DAVIS, FERGUSON, KILKELLY, KNEELAND, LEMONT, MARTIN, MCALEVEY, MILLS, SAVAGE, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

**NAYS:** Senators: BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, O'GARA, PENDLETON, RAND, TREAT

**ABSENT:** Senators: MITCHELL, NUTTING, ROTUNDO, SAWYER

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "A" (S-324) to Committee Amendment "A" (H-213), **PREVAILED**.

Committee Amendment "A" (H-213) as Amended by Senate Amendment "A" (S-324) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213) AS AMENDED BY SENATE AMENDMENT "A" (S-324) thereto, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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Off Record Remarks

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**RECESSED** until 3:30 in the afternoon.

After Recess

Senate called to order by the President.

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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. 1390

**JOINT RESOLUTION IN HONOR OF SENIOR LEGISLATIVE ANALYST JON CLARK, ESQ.**

WHEREAS, Jon Clark, Esq. joined the Maine Legislature's nonpartisan Office of Policy and Legal Analysis in 1990. He was first employed as a Legislative Analyst and later was promoted to Senior Legislative Analyst; and

WHEREAS, Jon Clark provided legal and policy analysis for the Office of Policy and Legal Analysis and the joint standing committees of the Legislature for 11 years and served the Legislature with professionalism, dedication and distinction; and

WHEREAS, after 11 years, Jon Clark is leaving the legislative staff to pursue other career and personal interests; and

WHEREAS, Jon Clark's contributions to the work of the Maine Legislature include 10 years as staff, including as legal counsel, to the Joint Standing Committee on Utilities and Energy, 4 years as staff to the Joint Standing Committee on Inland Fisheries and Wildlife, one year as staff to the Joint Standing Committee on Legal and Veterans Affairs and one year as costaff to the Joint Standing Committee on Criminal Justice. Jon also served as legal council to several natural resources committees and provided staff support to numerous study commissions; and

WHEREAS, during his years of staffing to the Joint Standing Committee on Utilities and Energy, particularly on matters pertaining to the deregulation of the electric energy industry, Jon Clark demonstrated the highest degree of excellence and skills in all matters relating to his work, including his legal work and legislative drafting on Legislative Document 1804, "An Act to Restructure the State's Electric Industry," that later was enacted into law as Public Law 1997, chapter 316; and

WHEREAS, during his tenure, Jon Clark was noted for his substantive knowledge, legal analysis and writing ability and served as an example of the highest standards of nonpartisan policy and legal analysis; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, take this occasion to recognize Jon Clark to commend him for his long and exceptional career with the nonpartisan legislative staff and his service to the Maine Legislature and to extend to him our best wishes for much success and happiness in his new pursuits; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Jon Clark in honor of this occasion.

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

**READ** and **ADOPTED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order:           H.P. 1391

WHEREAS, individuals from out of state have recently purchased large tracts of land in the State, including a recent purchase of over 20,000 acres of land in the unorganized territory around Moosehead Lake, known as the Township of East Middlesex; and

WHEREAS, there is a long, historic, traditional relationship between landowners and holders of recreational and seasonal leases of camp lots; and

WHEREAS, there is a long history and tradition of public access along private roads, recreation trails and rights-of-way to great ponds; and

WHEREAS, one landowner is now terminating and restricting the existing leases on that individual's land and may close off all public access to the land; and

WHEREAS, such a shift in the traditional relationship between a person leasing a camp lot in the woodlands and wildlands of the State and the landowner may have a negative economic impact on the State; and

WHEREAS, this joint order establishes the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, which is charged with the duties of assessing the economic and societal impact of the elimination and restriction of camp lot lease arrangements in the State and of developing a plan to address this problem; and

WHEREAS, the Legislature would benefit from a study of these issues; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands is established as follows.

1. Committee established. The Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 7 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, who shall give preference to members representing the unorganized territories in the State and members who serve on the Joint Standing Committee on State and Local Government or the Joint Standing Committee on Natural Resources;

B. Three members of the House of Representatives, appointed by the Speaker of the House, who shall give preference to members representing the unorganized territories in the State and members who serve on the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on Taxation or the Joint Standing Committee on Judiciary;

C. The Commissioner of Conservation or the commissioner's designee is invited to participate as a member of the committee; and

D. The Governor is invited to appoint one representative from the Maine Land Use Regulation Commission.

3. Chairs. The first named Senate member is the Senate chair of the committee and the first named House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following the passage of this order. The Executive Director of the Legislative Council must be notified by the appointing authorities once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the economic and societal impact of the termination of camp lot lease arrangements and of the public enjoyment of state lands, including the lands of the unorganized territories, and develop a plan to preserve the traditional camp lot lease arrangements in and public enjoyment of state lands.

A. In conducting the study, the committee shall:

Review the history of and recent changes to camp lot lease arrangements in state lands, including those of the unorganized territories;

Review the history of public enjoyment of and access to state lands, including those of the unorganized territories, examining the economic impact of the termination of camp lot leases and of the loss of public enjoyment of those lands;

Assess the economic impact of attempts to circumvent Maine tax law by avoidance of real estate transfer taxes and maintenance of land for tree growth, thereby paying only tree growth taxes; and

Research issues of colonial law and any other legal implications arising in this context.

B. The committee shall develop a plan to:

Encourage the preservation of the traditional camp lot lease arrangements in the state lands being purchased by private individuals;

Ensure just compensation for individuals whose camp lot leases are terminated;

Preserve public enjoyment of state lands being purchased by private individuals; and

Ensure adherence to Maine tax law.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, including the plan required by subsection 5 of this order, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than November 1, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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

**READ** and **PASSED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1386

WHEREAS, employees in Maine experience family and medical challenges that impose stress on the employee and the employee's family; and

WHEREAS, stress on the employee and employee's family generates the potential for difficulties in the workplace, to the detriment of the employee and the employer; and

WHEREAS, family and medical leave programs have impacts on employers; and

WHEREAS, information is needed regarding the potential benefits and costs of providing paid medical leave; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families is established as follows.

1. Committee established. The Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 15 members:

A. Seven members appointed by the President of the Senate as follows:

(1) One Senator;

(2) One representative of employers in the health care industry;

(3) One representative of employers in the insurance industry;

(4) One representative of municipal employers; and

(5) Three members representing labor, women's groups and senior citizens;

B. Six members appointed by the Speaker of the House of Representatives as follows:

(1) One member of the House of Representatives;

(2) One representative from the low-income advocacy field;

(3) One representative of a child care organization;

(4) One parent or educator; and

(5) Two members of the business community, one representing a large business and one representing a small business; and

C. The President of the Maine State Chamber of Commerce or the president's designee.

The Commissioner of Labor or the commissioner's designee is requested to participate as a member of the committee.

The Senator and the member of the House of Representatives may not be members of the same political party.



3. Chairs. The Senate member is the Senate chair of the committee and the House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the benefits and costs of providing family and medical leave benefits.

A. In conducting the study, the committee shall examine:

(1) The expected number of employees who would use paid family and medical leave;

(2) The percentage of family and medical leaves of absence that employers currently fund in full or in part;

(3) The impact of implementing a state program of paid family and medical leave on these employer policies;

(4) The impact of providing paid family and medical leave on other state-funded programs, including temporary assistance for needy families, unemployment compensation and Medicaid payments to nursing homes;

(5) The public health costs of not providing paid family and medical leave, including the frequency and cost of deferring medical treatment and the impact on infant care;

(6) The impact on employers of providing paid family and medical leave, including the impact on overall employment, retention, recruitment and training costs and productivity; and

(7) The feasibility of providing paid family and medical leave through existing systems, such as unemployment compensation, or through alternative systems, such as a state temporary disability insurance program or a family and medical leave insurance fund.

B. In examining the issues set out in paragraph A, the committee may hold up to 4 meetings. At those meetings, the committee may:

(1) Hold informational sessions for discussions with knowledgeable persons;

(2) Conduct, summarize and analyze the results of a literature search;

(3) Procure and analyze relevant data;

(4) Conduct legal research and prepare opinions on legal questions within the scope of the study; and

(5) Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee only if sufficient outside funds are received for this purpose in accordance with section 9 of this order.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than December 5, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget; grants. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds. The chairs of the committee may seek and accept grants and other outside funding on behalf of the committee. Prompt notice of solicitation and acceptance of such funds must be sent to the Legislative Council. All funds accepted must be forwarded to the executive director, along with an accounting that includes amount, date received, from whom, purpose and limitation on use of the funds. The executive director administers any funds received.

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

**READ** and **PASSED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1385

WHEREAS, there is tremendous concern that the existing child protective laws and system are not adequately and consistently protecting the children they were designed to serve; and

WHEREAS, families and other participants in the system believe their rights and interests are not adequately and consistently taken into account; and

WHEREAS, the Legislature would benefit from a study of issues relating to the existing child protective laws and system; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Review the Child Protective System is established as follows.

1. Committee established. The Committee to Review the Child Protective System, referred to in this joint order as the "committee," is established.

2. Committee membership. The committee consists of the following 11 members:

A. Two members of the Senate, appointed by the President of the Senate;

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives;

C. An attorney who has experience representing parents in child protective cases, appointed by the President of the Senate;

D. An attorney who has experience serving as a guardian ad litem in child protective cases, appointed by the Speaker of the House of Representatives;

E. An advocate for children, appointed by the President of the Senate;

F. A current or former foster parent, appointed by the Speaker of the House of Representatives;

G. A court-appointed special advocate volunteer, appointed by the President of the Senate; and

H. A caseworker or supervisor employed by the Department of Human Services. The Commissioner of Human Services is requested to designate the caseworker or supervisor to be a member of the committee.

The Chief Justice of the Supreme Judicial Court is requested to designate a District Court Judge to participate with the committee.

3. Chairs. The first named Senate member is the Senate chair of the committee and the first named House of Representatives member is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this joint order. The appointing authorities shall notify the Executive Director of the Legislative Council once the selections have been made. When the appointment of all members has been completed, the chairs

of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall study the child protective system and make recommendations for changes in laws, rules and procedures.

A. In conducting the study, the committee shall examine the following issues:

(1) Information about rights and future proceedings that should be given to parents at every stage of the child protective process;

(2) The availability of information in the possession of the Department of Human Services to parents and their attorneys, and the timing and extent of discovery;

(3) The accurate preservation of interviews involving employees of the Department of Human Services, communications with employees of the Department of Human Services and communications involving parents, including the reliability of the preservation and appropriate use of the communications;

(4) The appropriate role of intervenors; who, if anyone, should have automatic intervenor status; who should be permitted to apply for intervenor status; and what criteria the court should use in determining whether to grant intervenor status;

(5) The determination of the best interest of the child, while balancing the child's safety and privacy interests with the public's interest in openness in governmental actions and records, particularly with regard to termination of parental rights hearings;

(6) The appropriate standard of proof that the State must bear at each stage of child protection proceedings;

(7) The role of and requirements that apply to guardians ad litem and the extent to which guardians ad litem are fulfilling their responsibilities;

(8) The liability of the State, the Department of Human Services and employees of the Department of Human Services, either as a governmental entity or personally, for removal of children from their homes or other actions when such actions are overturned by the court as erroneous or unnecessary;

(9) The mandatory reporting laws concerning child and adult abuse and neglect; the consequences of failing to report; and the State's role in educating the public about reporting child abuse and neglect; and

(10) Any other issues the committee determines appropriate.

B. In examining these issues, the committee may:

(1) Hold a public hearing;

(2) Hold informational sessions for discussions with knowledgeable persons;

(3) Review laws, procedures and activities in other jurisdictions; and

(4) Carry out other activities relevant to the purposes of the study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. The members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Judiciary no later than December 5, 2001. The Joint Standing Committee on Judiciary may introduce legislation related to the report to the Second Regular Session of the 120th Legislature. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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

**READ** and **PASSED**, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1389

WHEREAS, the reimbursement rate for the cost of the handling of beverage containers by local redemption centers has not been increased since 1990; and

WHEREAS, this reimbursement rate is established in law by the Legislature; and

WHEREAS, the number and complexity of issues surrounding the handling and collection of returnable containers require the collection of additional data before an informed decision on a change in the rate for reimbursement of handling costs can be made; and

WHEREAS, the Legislature would benefit from a comprehensive study of reimbursement rates for container redemption businesses and other related issues; now, therefore, be it

ORDERED, the House concurring, that the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers is established as follows.

1. Committee established. The Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 13 members appointed as follows:

A. One member of the Senate, appointed by the President of the Senate;

B. Two members of the House of Representatives, appointed by the Speaker of the House;

C. Three members representing owners or operators of bottle redemption centers currently operating in the State, appointed by the President of the Senate;

D. Two members representing bottling companies, one of whom represents microbreweries, appointed by the Speaker of the House;

E. Two members representing beverage distributorships operating in the State, appointed by the President of the Senate;

F. One member representing recycling firms operating in the State, appointed by the Speaker of the House;

G. One member representing 3rd-party collection agents, appointed by the President of the Senate; and

H. One member representing an association of grocery stores with membership in the State, appointed by the Speaker of the House.

3. Appointments; co-chairs. All appointments must be made no later than 30 days following passage of this joint study order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Senator named to the committee serves as Senate chair and the first named House member serves as House chair. When the appointment of all members is completed, the chairs of the committee shall call and convene the first meeting of the

committee no later than 15 days after the last member is appointed.

4. Duties. The committee shall study reimbursement rates for Maine's bottle redemption businesses and other issues related to the handling and collection of returnable containers. In examining these issues, the committee shall:

A. Study the current operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is necessary and, if an increase is necessary, recommend the amount of the increase;

B. Identify the interrelationships between beverage producers, distributors and redemption centers concerning the collection of returnable containers, review the current laws governing redemption centers and recommend any changes that will improve the efficiency and effectiveness of current bottle redemption and collection processes;

C. Identify and investigate changes in technology relating to handling and recycling returnable containers that might assist bottle redemption centers in making their operations more efficient;

D. Consult with representatives of the Department of Economic and Community Development and the Finance Authority of Maine to identify programs and funding sources to assist redemption centers in upgrading their operations;

E. Investigate the nature and extent of fraudulent redemptions, review current state laws governing the illegal redemption of beverage containers not purchased in this State and make recommendations on ways to reduce or eliminate this activity; and

F. Consider whether or not the State should continue to set the reimbursement rate for redemption centers for handling costs.

5. Technical and staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee. The Department of Agriculture, Food and Rural Resources, the Department of Economic and Community Development, the Finance Authority of Maine and the State Planning Office shall provide technical assistance to the committee upon request by the chairs.

6. Reimbursement. Members of the committee who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

7. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the

Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

8. Report. The committee shall submit a report that includes its findings and recommendations including suggested legislation to the Joint Standing Committee on Business and Economic Development and the Legislative Council by December 5, 2001. Following receipt and review of the report, the Joint Standing Committee on Business and Economic Development may report out a bill to the Second Regular Session of the 120th Legislature to implement the committee's recommendations. If the committee requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension.

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

**READ** and **PASSED**, in concurrence.

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

**ENACTORS**

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

**Act**

An Act to Enhance Penalties for Use of Illegal Gambling Machines

S.P. 480 L.D. 1544  
(S "A" S-395 to C "A" S-228)

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

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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 Concerning Tax Anticipation Notes and Authorizing Expenditures for Funding among Pharmaceutical Benefits Programs

H.P. 1382 L.D. 1830

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/20/01) Assigned matter:

Bill, "An Act Providing for Enhancements to the Maine Seed Capital Tax Credit Program"

H.P. 974 L.D. 1298

Tabled - June 20, 2001 by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **ADOPT SENATE AMENDMENT "A" (S-383) TO COMMITTEE AMENDMENT "A" (H-217)** (Roll Call Requested)

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

(In Senate, June 20, 2001, on motion by Senator **GOLDTHWAIT** of Hancock, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-358)** thereto, in concurrence. On further motion by same Senator, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-217) as Amended by House Amendment "A" (H-358) thereto. On further motion by same Senator, Senate Amendment "A" (S-383) to Committee Amendment "A" (H-217) **READ.**)

President Pro Tem **BENNETT** of Oxford requested and received leave of the Senate to withdraw his motion for a Roll Call.

On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-383) to Committee Amendment "A" (H-217) **ADOPTED.**

Committee Amendment "A" (H-217) as Amended by House Amendment "A" (H-358) and Senate Amendment "A" (S-383) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-358) AND SENATE AMENDMENT "A" (S-383)** thereto, 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 Today Assigned matter:

#### Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Improvements to Equipment and Technology at Vocational High Schools Statewide

S.P. 437 L.D. 1439  
(C "A" S-352)

Tabled - June 21, 2001, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**

(In House, June 20, 2001, **PASSED TO BE ENACTED.**)

(In Senate, June 21, 2001, **FAILED ENACTMENT**, in **NON-CONCURRENCE.**)

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**, **PREVAILED.**

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

Senator **MARTIN:** Thank you very much, Mr. President, and thank you members of the Senate for having Reconsidered. I thought it was appropriate that we, if we are going to not Pass this particular Bond issue, at least have some idea of what is involved. I do understand that there has been some discussion and an agreement as to how many bonds should go out to the voters. I happen to believe that one of the more successful programs that the state has been able to do in the last number of years is put together technology centers at various high schools around the state. To my knowledge, all high schools now have voc centers that high school students go to, whether it's a center that serves only one or a center that serves four or five school districts. If any of you have visited any of the tech centers in your own district, I think you know what has happened. Since they've been built, technology has changed a great deal. What we have there now is equipment that is outdated and we are still teaching our young people, all the way from 9<sup>th</sup> grade on to 12<sup>th</sup> grade, with equipment that is outdated and not very useful. When many of them go out into the industrial area, to work for private companies and contractors, they find an awful lot of that equipment is simply of no value because they didn't learn on equipment that is now out in the field. The purpose of this particular Bond Issue was to purchase computer control training modules for a number of disciplines. That included hydraulics, robotics, and everything else. Electronic equipment that could be used to train students who are not planning to go to college, perhaps, but to be able to be trained for corporations that would be able to employ them. If you have talked to any of the corporations in this state, they will tell you that many of the high school students that they are getting are simply not equipped

with the training that they ought to have. The purpose of this Bond Issue was to try to change that. I wasn't part of any agreement, so I don't feel compelled to honor the figure that was agreed to, to be honest, because in the final analysis it is not us in this body that will make the decision as to what is acceptable. It will be the voters. We could send \$300 million out and they may choose to do none. They will make that decision when they get it before them. I guess what I'm asking is for you to consider whether or not this is something we ought to be doing. I believe it is. So I am urging you to vote for final passage of this Bond Issue so the voters can decide whether or not it is what we ought to be doing in this state.

Senator **MARTIN** of Aroostook requested a Roll Call.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President. Colleagues in the Senate. Maybe everyone's mind is made up and our words are wasted. I rise in support of this investment. I think it would be penny-wise and pound foolish to not invest in Maine kids and vocational skills. We know these young adults are interested in upgrading their skills, developing skills. We know two out of three employers in Maine, when surveyed, are saying they can't find the skilled workforce they need. Why in the world, when we look at census data with Mainers having to move down to Connecticut to find work, when meanwhile two out of three Maine businesses are yearning for a higher skilled workforce, would we look at an opportunity like this and thumb our nose at it? I don't understand. I think it's penny-wise and pound foolish. I heard yesterday a public radio speaker saying that, in his opinion, in economics the most important principle is opportunity costs. Those opportunity costs are, for those who can't remember economics from high school or college, what are you missing when you're investing here? Well, the younger you're investing, the less you're missing out there because you just don't have the skills. You're not in your 30's or 40's, you don't have kids, you aren't middle-management in your careers. Investing in high school and then post-secondary right after is a huge opportunity. We would be cutting off our nose to spite our face if we look at an opportunity like this, realize those kids are on old equipment and those skills they get just aren't translatable because that equipment is so old. Technological investments, it's more than laptops. It's imperative that, if Maine is going to get off the dime, we see an opportunity like this, a bond opportunity, and I plead with you, this is really an important investment. I can't think of a more important investment than our kids, who want to stay in Maine to work. Our strengths building on our strengths are our work ethics and our workforce and our families. People want to stay here in Maine. We don't want that brain drain. No one does. None of the families. Parents and grandparents don't want to kiss their kids good-bye. This keeps them in Maine, keeps them employed, keeps them feeling good about their lives. So let's not be penny-wise and pound foolish. Let's realize that this is an excellent investment. If we don't make it, if we don't make this investment, we deserve what we get, which is a Maine brain drain, a Maine skills drain, people going elsewhere. I ask you to please vote in support of this wonderful investment in vocational education. Thank you.

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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#162)**

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

**NAYS:** Senators: ABROMSON, BENNETT, DAVIS, FERGUSON, KNEELAND, LEMONT, MILLS, SAVAGE, SHOREY, SMALL, TURNER, YOUNGBLOOD

**ABSENT:** Senators: NUTTING, SAWYER

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 21 Members of the Senate, with 12 Senators having voted in the negative, and 21 being less than two-thirds of the Members present and voting, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**Bond Issue**

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  
(S "A" S-374 to C "A" S-361)

Tabled - June 21, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **GAGNON** of Kennebec to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE**

(In Senate, June 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361).**)

(In House, June 20, 2001, **PASSED TO BE ENACTED.**)

(In Senate, June 21, 2001, on motion by Senator **MILLS** of Somerset, **RULES SUSPENDED.** On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361).** On further motion by same Senator, **RULES SUSPENDED.** On further motion by same Senator, **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-361). On further motion by same Senator, Senate Amendment "A" (S-374) to Committee Amendment "A" (S-361) **READ and ADOPTED.** Committee Amendment "A" (S-361) as Amended by Senate Amendment "A" (S-374) thereto, **ADOPTED, in NON-CONCURRENCE. PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374) thereto, in NON-CONCURRENCE.)**

The Chair ordered a Division.

On motion by Senator **GAGNON** of Kennebec, 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 (#163)**

**YEAS:** Senators: **ABROMSON, BROMLEY, CATHCART, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, LONGLEY, MARTIN, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, YOUNGBLOOD**

**NAYS:** Senators: **BENNETT, CARPENTER, DAGGETT, DAVIS, DOUGLASS, FERGUSON, KNEELAND, LAFOUNTAIN, LEMONT, MCALEVEY, MILLS, MITCHELL, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - MICHAEL H. MICHAUD**

**ABSENT:** Senators: **NUTTING, SAWYER**

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **GAGNON** of Kennebec to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE, FAILED.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution: H.P. 1392

**JOINT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ISSUE A CERTIFICATE OF NEED TO EASTERN MAINE MEDICAL CENTER FOR A PET SCANNER**

WHEREAS, We, the Members of the One Hundred and Twentieth Legislature, wish to express our significant concern over the recent decision by the certificate of need unit staff of the Department of Human Services to recommend that the Commissioner of Human Services disapprove a certificate of need application filed by Eastern Maine Medical Center in Bangor for a positron emission tomography, PET, scanner. At that time, they recommended approval of 2 other competing PET scanner applications, both of which originated outside the State; and

WHEREAS, the issuance of a certificate of need to Eastern Maine Medical Center for a PET scanner will benefit patients from northern and eastern Maine; and

WHEREAS, Eastern Maine Medical Center has a very large cancer program that treats patients from throughout eastern and northern Maine; and

WHEREAS, the primary use of the cost-effective and life-saving PET technology at this time is for cancer patients; and

WHEREAS, if the Commissioner of Human Services accepts the certificate of need unit staff recommendation and denies Eastern Maine Medical Center this technology, patients from northern and eastern Maine will either have no access to the PET technology or will have very limited access based on whatever time Eastern Maine Medical Center is able to contract from one of the other providers; and

WHEREAS, as well as for cancer patients, PET technology is increasingly being used for neuropsychiatry diagnoses; and

WHEREAS, Eastern Maine Medical Center's sister hospital, Acadia Hospital in Bangor, is also a center of excellence for behavioral health patients and they will have no, or very limited access, to the technology; and

WHEREAS, an argument the certificate of need unit staff uses is that the 2 other programs are mobile and can serve more than one site. The problem is that the nuclear material used in the PET scanner has a very limited shelf life. Once obtained in Massachusetts, it can not be transported any farther than Bangor or it will be ineffective. Consequently, a mobile unit will never be able to serve significantly more hospitals in eastern and northern Maine. In fact, many cancer patients now come to Bangor because of the unique depth of cancer diagnosis and treatment specialty at Eastern Maine Medical Center. If a certificate of need is not issued to Eastern Maine Medical Center, patients in

eastern and northern Maine lose access to PET instead of gaining access; and

WHEREAS, Eastern Maine Medical Center's application met all the financially feasible tests required by the Department of Human Services for a certificate of need. The certificate of need unit never published guidelines for this new technology for any other applicants before the process began. Consequently, Eastern Maine Medical Center established its feasibility with the assistance of a PET expert from New York using conservative estimates capped at 4 procedures a day, or 972 procedures annually. In its decision, the certificate of need unit arbitrarily uses a criterion of 1,000 procedures annually for other common nuclear medicine technology. With a financially feasible project, this certificate of need should not be denied based on such an arbitrary guideline; and

WHEREAS, Eastern Maine Medical Center's market is increasing as a result of New Brunswick patients coming to Bangor over the past year for cancer treatment. These patients will also lose access to PET technology; and

WHEREAS, the certificate of need unit staff state that they believe only 2 units are needed in this State. Of the 2 applications recommended for approval, one intends to go no farther north than Augusta, and the other intends to cover from the southern end of the state to Bangor. Consequently, the 2 recommended programs will be principally based in southern Maine; and

WHEREAS, Eastern Maine Medical Center's long-term strategy included building a cyclotron, a machine that produces the short-life isotope, used in PET procedures. The idea of having a cyclotron and a PET scanner in Bangor has stimulated ideas for further private and research applications from academic and industrial settings, including the University of Maine. Denying Eastern Maine Medical Center's opportunity for PET also removes these opportunities that would stimulate further economic development and research; and

WHEREAS, Eastern Maine Medical Center's application received broad support in the region, from other hospitals, from related medical staff leaders and from the cities of Bangor and Orono because of the prospects for economic development; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, recognize that it is in the best interest of the patients in the northern and eastern part of the State to grant a meeting between the Department of Human Services and Eastern Maine Medical Center so that Eastern Maine Medical Center may submit additional information without jeopardizing its current application; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Human Services.

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

**READ.**

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate. Having just seen this Joint Resolution for the first time, I really feel compelled to speak to it. Having been involved, to some degree, in an earlier issue regarding a certificate of need this year, I have learned, certainly, how complicated the process is for these certificates, how much work has been done into developing a process for these, how much work needs to be done in terms of an overall health care plan for Maine. But my concern about this resolution is that it's being introduced now. I don't know who the sponsor is and I don't know who else the signers of this might be. But perhaps they are far more versed in these certificate of need issues than I am. We have talked non-stop this year about health care costs in the State of Maine. Now we have a legislative resolution about an issue which I would venture to say very few of us have any in-depth knowledge. We're going to be sending an expression of opinion, really, to one of our departments regarding a decision that they made that, at least in good faith, was made in an effort to comply with our state policy for issuing certificates of need. It really troubles me that this type of pressure is being brought to bear on a department that is making an effort to follow a policy that is designed to help control health care costs. This hasn't received, in my opinion, a reasonable degree of study so that we are making an informed statement about our opinion about issuing this particular certificate of need. In fact, this is an institution which I have, and I know I will again, support in terms of their efforts to expand and to provide excellent health care to the citizens in this half of the state. But I am truly concerned that the legislature has chosen to get involved in this way, in this issue, on this one decision, and in a matter in which enormous costs may be incurred and in which, I think, there was at least deep thought put into the decision of the department as opposed to this resolution, which has had really no vetting that I am aware of until it appeared on our desks today. I intend to vote against it. Thank you.

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

Senator **MARTIN:** Thank you very much, Mr. President, members of the Senate. Let me try to give, perhaps, my knowledge of information that I've acquired in the last three or four days since this issue has come to light. Maybe it's a little longer than that. I will tell you that what has happened is that the certificate of need process, basically, calls for the department staff to put together a recommendation which then goes to the Commissioner for final action. Some of you may remember that there was, in fact, a decision effecting a Lewiston hospital and subsequently the Commissioner went against the staff. This one, to some degree perhaps, is no different. But let me tell you what is of concern to me, and that probably is because it is where I live that I am most concerned. The two operations that have been suggested for possible licensing and approval under the certificate of need by the staff, basically would prevent the availability of that unit to be used north of Bangor. I repeat, the two certificate of needs that are potentially being approved, or suggested for approval to the Commissioner, would not be usable north of Bangor. That is because the nuclear material that is used in the PET machines and the scanners simply do not last and they would not live beyond Bangor. So what would take



place in this case is that it would serve absolutely no use at all, and not only would it not be a fixed unit that would be in Bangor, it would be a mobile unit that would have to come out of Massachusetts. I would point out that in addition to that, which of course may be a different issue, it's going to be a profit making operation outside this state. Obviously, the money would be leaving this state. I don't think that is very good in the long run. But that is a secondary issue from my point of view. I understand the concern of the Senator. But I think in this case I feel very strongly that we have a role in providing information to the Commissioner as to what is the position that we ought to take.

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

Senator **YOUNGBLOOD:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I'd like to echo many of the statements of the Senator from Aroostook, Senator Martin, and also urge you to vote for this resolution. The Eastern Maine Medical Center went down the path of this PET scanner, latest technology in the treatment of oncology that is many steps ahead of all the technology that is available here in the State of Maine today. They hired outside professional help to do the study to do this. The staff at Human Services clearly admit that this would be a profit-making operation, that it would not be a drag on other services and have to be subsidized by other cross-over expenses at the hospital. The other hospitals in the Bangor marketplace: St. Joseph's Hospital, Sister Norberta who runs that is a big booster of having this in that Bangor marketplace. Another very important part of having that in Bangor is the long-term strategy to build a cyclotron, which develops these radioactive isotopes that are now manufactured in Massachusetts, many of which would die here. That has enormous economic spin-off for research at the University of Maine as well as Jackson Lab. Each of those two entities have been in active discussions with the Eastern Maine Medical Center. It's very difficult to understand. I'm not an expert in the use of a PET scanner, obviously. Why we would be saying, as a state, to a non-profit entity here in this state, 'you're not allowed to have this PET scanning device'. But we would allow two out-of-state, for-profit entities, one of which is partnered from California along with some Portland doctors, the other one based in New Hampshire. We would allow PET scanning in the State of Maine, making a profit for its stockholders when we would say no to a non-profit that could be doing economic development in Maine and producing additional economic activities. It certainly makes no sense to me. I would urge your adoption of this resolution. Thank you.

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

Senator **MITCHELL:** Thank you, Mr. President. Women and men of the Senate. I, too, urge you to vote for this resolution because not only are we saying that we need a permanent location in Bangor because the people that are north of Bangor that do come to Bangor but also the people from Canada that come over to the Bangor area for cancer treatment. This scanner is far more advanced than the current MRI. They are able to detect the smallest of cancer cells and is believed to be far more progressive than the MRI system. It will give us an ability to recognize and treat, when cancer cells are present, much faster than we currently are doing. It also enables us, as the other two

Senators have mentioned, to have a stable unit here, not utilizing services from out-of-state, putting the profits in an out-of-state facility and using their portable units, but using it at a permanent location at the Bangor hospital. So I would please ask you to join me in voting for the PET scanner to be located in Bangor. Thank you.

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

Senator **TURNER:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I would comment on a couple of things said by the good Senator from Hancock, Senator Goldthwait. First of all, I'm not sure that the Resolution isn't an overkill, so I think perhaps there is merit in that concern. Secondly, however, I think there is a misguided impression that the certificate of need somehow controls health care costs. I adamantly disagree with that concept. I'm hopeful that a piece of legislation, that has currently been carried over on behalf of the good Senator from Androscoggin, Senator Douglass and myself, will come before you before the 120<sup>th</sup> Legislature ends, which would eliminate the certificate of need. We have lower level bureaucrats in state government trying to do what is best handled by a board of trustees and executives who are in this business, understands their markets, understands their medical needs, and understands what their options are to deliver health care services. I'm going to support this and use it as cannon fodder for the elimination of certificate of need. We end up with two or three of these coming forward each year. We shouldn't even be discussing this. We should be letting hospitals decide what is best for their trade areas and how they can best service their patients and their patients' needs. Thank you.

Senator **LAFOUNTAIN** of York requested a Roll Call.

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

Senator **CATHCART:** Thank you, Mr. President. Women and men of the Senate. I was not going to rise on this but I just have to since this is my hospital. This is where the cancer patients from my district go for treatment and diagnosis and all of their health care. To deny those people from northern and eastern Maine and some of western Maine the opportunity to have this wonderful technology just seems unfair to me. Not only do we have a good hospital where people go for cancer treatment and they do a great job, but we do have a University that is engaged in biomedical research which would benefit tremendously from having this in Bangor, as well as the private labs on Mt. Desert Island. I think that wherever this resolution came from, it is something that I strongly support and I urge your support for it also. Thank you, Mr. President.

On motion by Senator **LAFOUNTAIN** of York, 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 Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you, Mr. President. Ladies and gentlemen of the Senate. My point is not whether PET scans are good technology. My point is not whether the hospital is in one

person's district and their people get care there, or mine get referred there, or whether it is available here or available there or available anywhere else. My objection to the resolution is that, on the basis of a piece of paper that arrived on my desk today, I am not prepared to substitute my judgment for that of a process that went on for a considerably long amount of time and looked at the issue in great depth and reached a certain conclusion. The question has been asked, 'why would we give these certificates of need to these two for-profit, out-of-state corporation?' I don't know, and that's my point. I think probably the department had a reason. I don't know what those reasons are. If this had come up a month ago, we could have referred it to a committee. If we could have had some discussion. If we could have understood what we were doing here, it may be a very reasonable thing to do, to weigh in on an issue like this. But we have a Resolution distributed on our desk, on what I fervently hope is the last day of the session, and then pretend that we know more about it than the department who's been looking at it. I object to that because I don't think we are fully informed about the issue. The objections that the members have mentioned may be perfectly legitimate. The problem is that I don't know and I continue to ask for your support in voting against the pending Resolution.

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

Senator **MARTIN:** Thank you very much, Mr. President, and members of the Senate. The Senator is absolutely correct about not knowing everything that we need to know. But in my case I only know and need to know one thing, if nothing else. It will not serve anyone north of Bangor. That's all I personally need to know. I find it unbelievable that the Department of Human Services would not take northern Maine into consideration. Is that to assume that we're going to travel a minimum of 300 miles for this service while the rest of the state will have it at their doorsteps? That's my reason. If nothing else passes the test, regardless how late this issue came to us, that's my bottom line.

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

Senator **WOODCOCK:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I have recently been intimately involved with a certificate of need process for a dialysis center in the Franklin County area. There seems to be several issues addressed today, addressed by several Senators from the geographic breadth of Maine. One issue being the Department of Human Services' process of selection and approval of the certificate of need. One issue being the very valid point, I believe, of our intervention in this process at a late, and perhaps inappropriate, time. One issue also being the value of this particular instrument being at Eastern Maine Medical Center, one of this state's, if not this state's, premiere care facility. I am a little troubled at the good Senator from Aroostook, Senator Martin's, warning to have nuclear materials being alive after they go north of Bangor. That does trouble me a little bit in one sense, but at the same time our late intervention in this process is the most disturbing portion of this, in my case. I will be voting against this. Thank you.

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

Senator **MITCHELL:** Thank you, Mr. President. Men and women of the Senate. To try to answer the concern of why the certificate of need people made a decision on portable units vs stationary units and permanent hospitals; what I was told when asked to sign the letter, one of the nine Senators in this group who signed the letter to the Commissioner, was that they made the decision to use mobile units because they felt they could reach more small hospitals and could serve more patients. However, they were not taking into consideration the fact that those mobile units could not serve the hospitals north, east, or west of Bangor. By bringing a permanent unit into Bangor, one of them would reach more people. By then combining it with a mobile unit in the southern part of the state, they would then actually serve more people in the long run than having two mobile units for the same investment.

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

Senator **MILLS:** Mr. President and men and women of the Senate. I'm further behind, I guess, than almost everybody in the chamber. I don't know what a PET scanner is. I have no idea if the technology has any viability at all. Whether it's worth having one of these things and what other forms of technology may be available to the Bangor community already, that may be fairly substitutable. I can recall 25 years ago when CAT scans came into vogue. My memory is that Eastern Maine didn't get one right away, so a local doctor, who had access to investment funds, went out and bought his own. He by-passed the certificate of need process and went ahead and provided services to that community for quite some time. There are deficiencies in the certificate of need process. All I know about this process is that the people who sit in judgment on whether to extend permission to purchase machines like this have a duty to collect facts, not rumors, not opinions, not wishes, and to evaluate those objectively and the Commissioner is duty-bound by the statute to behave like a judge and not like a politician. Frankly, if he's doing the job that we're paying him to do, he should take this resolution and give it no weight whatsoever and toss it in the waste basket. He should look at the facts and do what he's paid to do, and that is, to make an objective decision that is in the best interest of all of the people of this state. I think it's highly inappropriate for us to bring a resolution of this sort forward.

**THE PRESIDENT:** The pending question before the Senate is Adoption of this Joint Resolution. 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 (#164)

**YEAS:** Senators: BENNETT, CATHCART, DAVIS, EDMONDS, GAGNON, KILKELLY, KNEELAND, LONGLEY, MARTIN, MITCHELL, O'GARA, PENDLETON, SHOREY, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, BROMLEY,  
CARPENTER, DAGGETT, DOUGLASS,  
FERGUSON, GOLDTHWAIT, LAFOUNTAIN,  
LEMONT, MCALEVEY, MILLS, RAND, ROTUNDO,  
SAVAGE, SMALL, TREAT, TURNER, WOODCOCK

ABSENT: Senators: NUTTING, SAWYER

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, **FAILED ADOPTION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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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 Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

H.P. 94 L.D. 98  
(C "A" H-133)

This being an Emergency Measure and 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.

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#### Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Research and Development Equipment and Infrastructure

S.P. 551 L.D. 1709  
(S "B" S-377 to C "A" S-372)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, 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 Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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#### Act

An Act Regarding Uninsured Drivers

S.P. 425 L.D. 1380  
(S "B" S-397 to C "A" S-144)

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

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

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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 the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities

H.P. 982 L.D. 1306  
(S "A" S-384; C "A" H-667)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

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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 a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

S.P. 422 L.D. 1378  
(S "A" S-373 to C "A" S-350)

In Senate, June 19, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350) AS AMENDED BY SENATE AMENDMENT "A" (S-373)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350)**, in **NON-CONCURRENCE**.

President Pro Tem **BENNETT** of Oxford moved the Senate **ADHERE**.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending motion by President Pro Tem **BENNETT** of Oxford to **ADHERE**.

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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 Correct Errors and Inconsistencies in the Laws of Maine

H.P. 30 L.D. 30  
(H "A" H-750 to C "A" H-749)

This being an Emergency Measure and having 33 Members present and no objection, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (6/20/01) Assigned matter:

Bill, "An Act Regarding the Training Requirements for Certain Employees of the Department of Public Safety"  
S.P. 635 L.D. 1815

Tabled - June 20, 2001 by Senator **TREAT** of Kennebec

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **ADOPT SENATE AMENDMENT "A" (S-388)**

(In House, June 4, 2001, **PASSED TO BE ENACTED**.)

(In Senate, June 20, 2001, on motion by Senator **GOLDTHWAIT** of Hancock, **RULES SUSPENDED**. On further motion by same Senator, **RECONSIDERED PASSAGE TO BE ENGROSSED**. On further motion by same Senator, Senate Amendment "A" (S-388) **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-388) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-388), in NON-CONCURRENCE**.

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

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$65,200,000 for the State's 7 Public Universities and the Maine Maritime Academy"

S.P. 422 L.D. 1378  
(S "A" S-373 to C "A" S-350)

Tabled - June 21, 2001, by Senator **MARTIN** of Aroostook

Pending - motion by President Pro Tem **BENNETT** of Oxford to **ADHERE**

(In Senate, June 19, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350) AS AMENDED BY SENATE AMENDMENT "A" (S-373)** thereto.)

(In House, June 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-350), in NON-CONCURRENCE**.)

Senator **LONGLEY** of Waldo requested a Roll Call. Less than one-fifth of the members responding, a Roll Call was not in order.

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

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

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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

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

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Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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

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Senate at Ease.

Senate called to order by the President.

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

**ORDERS**

**Joint Order**

On motion by Senator **DAGGETT** of Kennebec, the following Joint Resolution: S.P. 652

ORDERED, the House concurring, that the following specified matters be held over to any special or regular session of the 120th Legislature.

**Appropriations and Financial Affairs**

H.P. 29, L.D. 29 - An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

H.P. 33, L.D. 42 - An Act to Fund the Endowment Incentive Fund (Emergency)

H.P. 70, L.D. 79 - An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance

S.P. 132, L.D. 456 - Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

S.P. 133, L.D. 457 - An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

H.P. 370, L.D. 472 - Resolve, to Establish a Fatherhood Issues Study Commission

H.P. 375, L.D. 477 - An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program

H.P. 570, L.D. 725 - An Act to Maintain Maine Quality Centers' Current Level of Services

S.P. 268, L.D. 915 - An Act to Amend the Maine Insurance Guaranty Association Act

H.P. 779, L.D. 1023 - An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services

S.P. 337, L.D. 1144 - An Act to Enhance Economic Development Capacity

H.P. 874, L.D. 1153 - An Act to increase Certain Civil Process Fees

H.P. 916, L.D. 1230 - An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State (Emergency)

S.P. 438, L.D. 1440 - An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Provide Adequate Facilities for Business Expansion or Relocation in the State

H.P. 1102, L.D. 1471 - An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine

H.P. 1161, L.D. 1561 - An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories

S.P. 537, L.D. 1668 - An Act to Expand Research and Development Facilities within the University of Maine System

**Criminal Justice**

H.P. 827, L.D. 1081 - An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole

**Health and Human Services**

H.P. 742, L.D. 961 - An Act to Expand Benefits Under the Elderly Low-cost Drug Program  
Taxation

S.P. 128, L.D. 404 - An Act to Promote Equity Among Health Care Clinics

**READ and PASSED.**

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Fund Improvements to Equipment and Technology at Vocational High Schools Statewide

S.P. 437 L.D. 1439  
(C "A" S-352)

In House, June 20, 2001, **PASSED TO BE ENACTED.**

In Senate, June 21, 2001, **FAILED ENACTMENT, in NON-CONCURRENCE.**

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#165)**

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

**NAYS:** Senators: ABROMSON, BENNETT, DAVIS, FERGUSON, KNEELAND, LEMONT, MCALEVEY, MILLS, SAVAGE, SHOREY, SMALL, TURNER, YOUNGBLOOD

**ABSENT:** Senators: NUTTING, SAWYER

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IV of the Constitution, having received the affirmative vote of 20 Senators with 13 Senators having voted in the negative, and 2 Senators being absent, and 20 being less than two-thirds of the Membership present and voting, the motion by Senator **MARTIN** of Aroostook to **RECEDE** and **CONCUR, FAILED.**

Off Record Remarks

**RECESSED** until 7:00 in the evening.

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:

**PAPERS FROM THE HOUSE**

**Joint Orders**

The following Joint Order: H.P. 1388

**ORDERED,** the Senate concurring, that the following specified matters be held over to any special or regular session of the 120th Legislature.

Agriculture, Conservation and Forestry

H.P. 1062, L.D. 1425 - An Act to Establish a Fund for Marketing and Improvements in Agricultural Fairs.

S.P. 463, L.D. 1516 - An Act to Support Family Farms.

S.P. 470, L.D. 1534 - An Act to Prohibit Grocery Stores From Charging Maine Farmers Access Fees, Slotting Fees and Rebates.

S.P. 598, L.D. 1771 - Resolve, to Establish the Maine Cattle Health Assurance Program.

Appropriations and Financial Affairs

S.P. 186, L.D. 658 - An Act to Continue Funding for the Maine Microenterprise Initiative Fund.

H.P. 546, L.D. 701 - An Act to Build Parking Garages in Service Center Municipalities.

H.P. 674, L.D. 874 - An Act to Increase the Operating Subsidy to the Casco Bay Island Transit District.

H.P. 863, L.D. 1135 - An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Testing of Marine Dredge Spoils and the Proper Disposal of Spoils that are Special or Hazardous Waste.

H.P. 1362, L.D. 1819 - An Act to Give the Maine Technical College System Limited Revenue Bonding Authority.

Banking and Insurance

H.P. 472, L.D. 600 - An Act to Implement the Recommendations of the Joint Select Committee on School-based Health Care Services.

S.P. 217, L.D. 782 - An Act to Ensure Health Maintenance Organization Accountability.

H.P. 1151, L.D. 1554 - An Act to Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts.

H.P. 1205, L.D. 1627 - An Act to Ensure Equality in Mental Health Coverage.

H.P. 1324, L.D. 1784 - An Act to Lower Costs in the Small Group Market.

S.P. 622, L.D. 1804 - An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State.

#### Business and Economic Development

H.P. 213, L.D. 248 - An Act to Promote Economic Development in Rural Maine.

H.P. 532, L.D. 687 - An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State.

H.P. 948, L.D. 1262 - An Act to Properly Apply Jurisdiction of Chimney Regulation.

H.P. 1107, L.D. 1476 - An Act to Require Continuing Education in the Cosmetology, Manicuring, Aesthetics and Barbering Fields.

S.P. 444, L.D. 1498 - Resolve, to Require the Collection of Health Care Practitioner Workforce Data.

S.P. 541, L.D. 1672 - An Act to Create the Washington County Development Authority.

H.P. 1273, L.D. 1731 - An Act to Require Registration of Building Contractors.

H.P. 1286, L.D. 1749 - Resolve, to Establish a Commission to Review Internet Policy.

#### Criminal Justice

S.P. 173, L.D. 601 - An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases.

H.P. 526, L.D. 681 - An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States.

H.P. 951, L.D. 1265 - An Act to Clarify the Criminal Extradition Laws.

H.P. 993, L.D. 1330 - Resolve, Establishing the Commission to Examine the Maine Correctional Institute.

H.P. 1123, L.D. 1492 - An Act to Improve Treatment of Persons with Mental Illness in Maine's Jails and Prisons.

H.P. 1198, L.D. 1620 - An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants.

H.P. 1216, L.D. 1657 - An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel.

#### Education and Cultural Affairs

S.P. 9, L.D. 1 - An Act to Phase Out Community Income Considerations from the School Funding Formula.

H.P. 364, L.D. 466 - An Act to Remove Liability from School Units When Releasing Information on School Employees Accused of Crimes.

H.P. 373, L.D. 475 - An Act to Govern Fees Assessed by the Bureau of General Services that Apply to School Construction Projects.

H.P. 414, L.D. 535 - An Act to Expand Educational Opportunities.

H.P. 685, L.D. 889 - An Act to Establish a Mandated Minimum for Teachers' Salaries.

S.P. 321, L.D. 1089 - An Act to Improve Taxpayer Equity in School Funding.

H.P. 1117, L.D. 1486 - An Act to Create the Child Development Services Advisory Committee.

H.P. 1157, L.D. 1557 - An Act to Exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from Lease Limitations on Educational Structures.

S.P. 491, L.D. 1580 - An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12.

H.P. 1295, L.D. 1765 - An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel.

#### Health and Human Services

H.P. 190, L.D. 201 - An Act to License Freestanding Birth Centers.

S.P. 183, L.D. 611 - An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998.

H.P. 663, L.D. 863 - Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State.

H.P. 694, L.D. 898 - An Act to Improve Public Health in the State.

S.P. 317, L.D. 1085 - Resolve, to Improve Staffing in Health Care Settings.

S.P. 370, L.D. 1208 - An Act to Plan for the Delivery of Developmental Disabilities and Autism Services.

H.P. 1009, L.D. 1346 - Resolve, to Establish a Commission to Study the Health Care Workforce Shortage.

S.P. 419, L.D. 1363 - An Act to Reduce Medical Errors and Improve Patient Health.

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S.P. 459, L.D. 1512 - An Act to Increase Long-term Care Options for Low-income Citizens of the State.

S.P. 461, L.D. 1514 - An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities.

S.P. 481, L.D. 1545 - An Act to Increase the Supply of Medical Services to Consumers.

S.P. 501, L.D. 1588 - An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine.

H.P. 1180, L.D. 1603 - An Act to Expand Family Life Education in Maine Schools.

S.P. 592, L.D. 1768 - An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report.

S.P. 619, L.D. 1799 - An Act to Strengthen the Certificate of Need Law.

#### Inland Fisheries and Wildlife

H.P. 43, L.D. 52 - An Act to Limit the Number of Chances a Person Has in the Moose Lottery.

H.P. 130, L.D. 141 - Resolve, for a Multi-year Experimental Program to Test the Effectiveness of Stocking Smelt in Maine Waters.

H.P. 251, L.D. 287 - An Act to Allow the Use of Cage Traps for Bear.

H.P. 420, L.D. 541 - An Act to Provide a New Opportunity in the Moose Lottery.

H.P. 580, L.D. 735 - An Act to Allow October Fishing.

H.P. 606, L.D. 761 - An Act Pertaining to Bear Hunting Permits.

#### Judiciary

H.P. 191, L.D. 202 - An Act to Improve Maine's Jail Diversion Programs.

H.P. 283, L.D. 361 - An Act to Adopt the Model Business Corporation Act in Maine.

H.P. 1173, L.D. 1573 - An Act to Enact the Uniform Principal and Income Act of 1997.

H.P. 1202, L.D. 1624 - An Act Concerning the Payment of Child Support.

S.P. 539, L.D. 1670 - An Act Regarding Child Abandonment.

H.P. 1274, L.D. 1734 - An Act to Promote Safe Schools.

H.P. 1307, L.D. 1770 - An Act Regarding Conversions of Nonprofit Entities to For-profit Entities.

#### Labor

H.P. 415, L.D. 536 - An Act to Define and Revise Noncompetitive Employment Contracts.

H.P. 647, L.D. 847 - An Act to Examine Issues Regarding the Canadian Workforce.

H.P. 762, L.D. 981 - An Act to Amend the Laws Governing the Maine Unemployment Insurance Commission.

H.P. 771, L.D. 1015 - An Act Regarding Health Insurance for Firefighters.

S.P. 373, L.D. 1211 - An Act to Supplement Benefits for State Employees and Teachers whose Pensions are Subject to Reductions Enacted in 1993.

H.P. 944, L.D. 1258 - An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce.

S.P. 507, L.D. 1594 - An Act to Provide Disclosure and Financial Protections to Temporary Workers.

S.P. 510, L.D. 1629 - An Act to Increase the State Share of Health Insurance for Certain Retired Teachers.

H.P. 1283, L.D. 1746 - An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel.

#### Legal and Veterans Affairs

H.P. 253, L.D. 289 - An Act Regarding Horse Racing.

H.P. 1003, L.D. 1340 - An Act to Hold an Advisory Referendum on Term Limits.

H.P. 1144, L.D. 1532 - An Act to Amend the Governmental Ethics Laws Administered by the Commission on Governmental Ethics and Election Practices.

H.P. 1288, L.D. 1752 - An Act to Update the Department of Defense, Veterans and Emergency Management Laws.

#### Marine Resources

H.P. 335, L.D. 425 - An Act to Restrict the Use of Gill Nets.

H.P. 792, L.D. 1036 - An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils.

H.P. 1065, L.D. 1428 - An Act to Amend the Aquaculture Leasing Law.

#### Natural Resources

H.P. 1109, L.D. 1478 - An Act to Amend Maine's Growth Management Law and Related Laws.



H.P. 1119, L.D. 1488 - An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources.

H.P. 1211, L.D. 1643 - An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances.

State and Local Government

H.P. 441, L.D. 562 - An Act to Allow Municipalities to Create Capital Improvement Districts.

H.P. 846, L.D. 1118 - An Act to Enact the Paperwork Reduction Act.

H.P. 904, L.D. 1218 - An Act to Amend the Calculation for Annual County Tax Assessments.

H.P. 1146, L.D. 1549 - An Act to Amend the Organization of Washington County Government.

S.P. 499, L.D. 1586 - An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland.

H.P. 1231, L.D. 1678 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission.

Taxation

S.P. 242, L.D. 810 - An Act to Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax.

S.P. 251, L.D. 883 - An Act to Return a Percentage of Sales and Use Tax to Municipalities.

S.P. 262, L.D. 909 - An Act to Improve the Circuit Breaker Program Application Process.

H.P. 1170, L.D. 1570 - An Act to Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production through Pollution Prevention and Toxics Use Reduction.

Transportation

H.P. 386, L.D. 507 - An Act to Provide Property Tax Relief from the Cost of Public Transportation.

H.P. 400, L.D. 521 - An Act to Adopt the Canadian Highway Weight Standards.

Utilities and Energy

H.P. 330, L.D. 420 - An Act to Strengthen Energy Conservation.

H.P. 506, L.D. 646 - An Act to Establish the Maine Energy Advisory Council.

S.P. 332, L.D. 1139 - An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities.

S.P. 432, L.D. 1412 - An Act Relating to the Transfer of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc. to Great Northern Energy, LLC.

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

**READ.**

On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "A" (S-400) **READ** and **ADOPTED**.

**PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-400), in NON-CONCURRENCE.**

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

JOINT RESOLUTION - Relative to Urging the Department of Human Services to Issue a Certificate of Need to Eastern Maine Medical Center for a PET Scanner

H.P. 1392

In House, June 21, 2001, **READ** and **ADOPTED**.

In Senate, June 21, 2001, **READ** and **FAILED ADOPTION, in NON-CONCURRENCE.**

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

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

On motion by Senator **GOLDTHWAIT** of Hancock, 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 (#166)**

YEAS: Senators: BENNETT, BROMLEY, CATHCART, DAVIS, EDMONDS, GAGNON, KILKELLY, KNEELAND, LEMONT, MARTIN, MITCHELL, O'GARA, PENDLETON, RAND, SAVAGE, SHOREY, SMALL, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: ABROMSON, CARPENTER,  
DAGGETT, DOUGLASS, FERGUSON,  
GOLDTHWAIT, LAFOUNTAIN, MCALEVEY,  
TREAT, TURNER, WOODCOCK

ABSENT: Senators: LONGLEY, MILLS, NUTTING,  
ROTUNDO, SAWYER

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 5 Senators being absent, the motion by Senator **MARTIN** of Aroostook to **RECEDE** and **CONCUR**, **PREVAILED**.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1394

ORDERED, the Senate concurring, that Bill, "An Act to Increase Access to Health Care," H.P. 979, L.D. 1303, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

**READ.**

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

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1393

ORDERED, the Senate concurring, that H.P. 1391, "Joint Order Establishing the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands," is amended in the first ordered paragraph by striking out all of subsection 5 and inserting in its place the following:

5. Duties. The committee shall study the economic and societal impact of the termination of camp lot lease arrangements and of the public enjoyment of state lands, including the lands of the unorganized territory, and develop a plan to preserve the traditional camp lot lease arrangements in and public enjoyment of state lands.

A. In conducting the study, the committee shall examine and report on the following issues:

The history of and recent changes to camp lot lease arrangements in state lands, including those of the unorganized territory;

Efforts to help promote the State's working forests;

The economic impact of the termination of camp lot leases and of the closing of public access;

The economic impact of the real estate transfer tax program and the maintenance of land for tree growth;

Issues of colonial law and any other legal implications arising in this context;

The traditional camp lot lease arrangements in the state lands purchased by private individuals; and

The impact on individuals whose camp lot leases are terminated.

The plan must, to the extent possible, build upon current efforts and must include an estimate of the costs associated with implementing it.

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

**READ** and **PASSED**, 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 Providing for Enhancements to the Maine Seed Capital Tax Credit Program

H.P. 974 L.D. 1298  
(H "A" H-358; S "A" S-383 to C "A" H-217)

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

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

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

Off Record Remarks

**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

President Pro Tem **BENNETT** of Oxford moved the Senate extend until 11:00 p.m., pursuant to Senate Rule 514.

**ORDERS OF THE DAY**

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

JOINT ORDER - relative to Bill, "An Act to Increase Access to Health Care," H.P. 979, L.D. 1303 being recalling from the Governor's desk to the House

H.P. 1394

Tabled - June 21, 2001, by Senator **SMALL** of Sagadahoc

Pending - **PASSAGE**, in concurrence

(In House, June 21, 2001, **READ** and **PASSED**.)

(In Senate, June 21, 2001, **READ**.)

**PASSED**, in concurrence.

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Joint Orders**

The following Joint Order: H.P. 1383

WHEREAS, the joint study order establishes the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated; and

WHEREAS, persons with mental illness who are incarcerated in the county jails and state prisons need proper care and treatment that is safe and humane; and

WHEREAS, corrections officers and others in the jails and prisons who are responsible for persons with mental illness who are in their custody require proper training to care for these inmates; and

WHEREAS, the current corrections system does not provide adequate care for incarcerated persons with mental illness, nor does it provide those responsible for the care with the tools and training necessary to provide care; and

WHEREAS, the Legislature would benefit from a study of the needs of persons with mental illness who are incarcerated in Maine; now, therefore, be it

**ORDERED**, the Senate concurring, that the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated is established as follows.

1. Committee established. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated, referred to in this order as the "committee," is established.
2. Committee membership. The committee consists of the 13 members of the Joint Standing Committee on Criminal Justice.
3. Chairs. The Senate chair and the House chair of the Joint Standing Committee on Criminal Justice shall serve as the chairs of the committee.
4. Meetings; public hearings. The chairs of the committee shall call and convene the first meeting of the committee no later than 45 days after passage of this order. The committee may hold up to 6 meetings, 3 of which may be public hearings held in locations throughout the State.
5. Duties. The committee shall invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:
  - A. Evaluate the availability and appropriateness of current mental health services for persons incarcerated in Department of Corrections facilities and in county jails, including but not limited to: access to forensic beds for prisoners in need of that level of mental health intervention; the provision of mental health services within the institutions provided by or in partnership with the Department of Mental Health, Mental Retardation and Substance Abuse Services; and involuntary medication of prisoners with mental illness;
  - B. Identify what additional mental health services are needed for incarcerated persons and how those services may best be implemented, provided and funded;
  - C. Identify what mental health training is required for law enforcement and corrections officers who work in corrections facilities and jails and how that training may best be implemented, provided and funded; and

D. Identify steps necessary for county jails to seek and achieve accreditation.

The experts and interested parties with whom the committee may consult include but are not limited to the following: representatives from the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services; representatives from state, county and municipal law enforcement; persons with mental illness who were formerly incarcerated in a Department of Corrections facility or a county jail; parents or guardians of persons with mental illness who are or were formerly incarcerated in a Department of Corrections facility or a county jail; representatives from advocacy groups for persons with mental illness; and representatives from community mental health agencies. The committee also may consult with other interested parties who may provide additional information.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. Compensation. The members of the committee are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee.

8. Report. The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than December 5, 2001. If the committee requires a limited extension of time to conclude its work, it may apply to the Legislative Council, which may grant the extension.

9. Budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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

**READ** and **PASSED**, in concurrence.

---

The following Joint Order: H.P. 1384

WHEREAS, it is necessary and vital to the people of the State that Maine's fishing heritage be preserved; and

WHEREAS, this order convenes a committee to study waterfront access and other policies concerning the commercial fishing industry; and

WHEREAS, the Legislature would benefit from a study of issues and recommendations regarding loss of waterfront access

for commercial fishing and economic development issues affecting commercial fishing; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing is established as follows.

1. Committee established. The Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing, referred to in this order as the "committee," is established.

2. Committee membership. The committee consists of 10 members appointed as follows:

A. One Senator appointed by the President of the Senate;

B. Three members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Marine Resources, appointed by the Speaker of the House of Representatives;

C. Two members representing the fishing industry, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

D. Two members of the general public, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. The member appointed by the Speaker of the House of Representatives must be a representative of municipal government; and

E. The Governor is invited to appoint 2 members representing state agencies that regulate the fishing industry.

3. Chairs. The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee.

4. Appointments; meetings. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once the appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee no later than August 15, 2001.

5. Duties. The committee shall review current policy regarding the State's fishing industry and make recommendations to preserve the fishing industry. Specifically, the committee shall address the following issues:

A. Waterfront access for commercial fisheries, including zoning restrictions, municipal comprehensive plans, current-use taxation, smart growth and set asides; and

B. Economic development, including incentives and disincentives, taxation policies, promotion and marketing issues, financing and workforce development.

6. Staffing. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing services

to the committee. The Department of Marine Resources and the Executive Department, State Planning Office shall provide information and assistance as requested by the chairs of the committee.

7. Compensation. Members of the committee who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the committee. Other members of the committee who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings.

8. Report. The committee shall submit its report, together with any recommended implementing legislation, to the Joint Standing Committee on Marine Resources no later than December 5, 2001. The Joint Standing Committee on Marine Resources may report out a bill during the Second Regular Session of the 120th Legislature concerning the findings and recommendations of the committee. If the committee requires a limited extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

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

**READ** and **PASSED**, in concurrence.

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The following Joint Order: H.P. 1387

WHEREAS, this joint study order establishes the Committee to Study Access to Private and Public Lands in Maine; and

WHEREAS, the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and

WHEREAS, the spring and summer months begin the seasons of peak use of the Maine woods for Maine citizens and tourists and, therefore, are the optimal time for the committee to gather information and study issues related to access to lands; now, therefore, be it

ORDERED, the Senate concurring, that the Committee to Study Access to Private and Public Lands in Maine is established as follows.

1. Committee established. The Committee to Study Access to Private and Public Lands in Maine, referred to in this order as the "committee," is established.

2. Committee membership; chairs. The legislative members appointed to the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 1999, House Paper 1951 shall continue to serve on that committee. The Legislators serving as chairs shall continue to serve in that capacity.

3. Meetings. The chairs shall call and convene the first meeting of the committee within 30 days of adjournment of the First Regular Session of the 120th Legislature. The committee shall hold not more than 4 meetings.

4. Duties. The committee shall fulfill all the duties required by Joint Order 1999, House Paper 1951 and shall:

- A. Determine the status of public access to flowed lakes in the State;
- B. Review and report on the issue of the division and sale of land by timber companies and the private acquisition of large tracts of undeveloped land surrounding the State's great ponds;
- C. Consider policy options to promote continued access to public and private land; and
- D. Work with the Department of Inland Fisheries and Wildlife and the Department of Conservation, Bureau of Forestry to develop a map that shows significant areas in the State where public access is restricted, prohibited or permitted with the payment of a fee.

5. Report. The committee shall submit its report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry not later than December 5, 2001. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 120th Legislature not later than December 5, 2001. If the committee requires a limited extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing assistance to the committee.

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Budget. The chairs of the committee, with the assistance from the committee staff, shall administer the committee's budget. The committee may not incur expenses exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee and its staff with a status report on the

committee's budget, expenditures incurred and remaining available funds.

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

**READ** and **PASSED**, in concurrence.

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

**ENACTORS**

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

**Act**

An Act to Offer Reciprocity Concerning Concealed Firearms Permits

H.P. 224 L.D. 259  
(S "A" S-324 to C "A" H-213)

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

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

S.P. 635 L.D. 1815  
(S "A" S-388)

In House, June 4, 2001, **PASSED TO BE ENACTED**.

In Senate, June 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-388)**, in **NON-CONCURRENCE**.

Comes from the House, the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECEDED** and **CONCURRED**.

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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President Pro Tem **BENNETT** of Oxford moved the Senate extend until 12:00 midnight, pursuant to Senate Rule 514.

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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 Increase Access to Health Care"

H.P. 979 L.D. 1303  
(H "C" H-748 to C "A" H-639)

In Senate, June 21, 2001, **PASSED TO BE ENACTED**, in concurrence.

**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1394, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-757)**, in **NON-CONCURRENCE**.

Senator **LONGLEY** of Waldo moved the Senate **RECEDE** and **CONCUR**.

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.

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#167)**

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

NAYS: Senator: WOODCOCK

ABSENT: Senator: SAWYER

EXCUSED: Senator: ABROMSON

32 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **LONGLEY** of Waldo to **RECEDE** and **CONCUR**, **PREVAILED**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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

**COMMUNICATIONS**

The Following Communication: S.C. 393

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE**

**REVISED**  
June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Criminal Justice during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills and Papers		128
Unanimous Reports	96	
Ought to Pass	6	
Ought to Pass as Amended	35	
Ought Not to Pass	53	
Referred to Another Committee	2	
Divided Reports	21	
Carry Overs	8	

Bills Pursuant to Joint Order	2
Joint Study Orders	1

Respectfully submitted,

S/Michael J. McAlevey                      S/Edward J. Povich  
Senate Chair                                  House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 394

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TAXATION**

**REVISED**  
June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		166
Unanimous Reports	148	
Ought to Pass	1	
Ought to Pass as Amended	31	
Ought Not to Pass	110	
Referred to Another Committee	6	
Divided Reports	10	
Carry Overs	5	
Bills Pursuant to Joint Order	3	

Respectfully submitted,

S/Kenneth T. Gagnon                      S/Bonnie Green  
Senate Chair                                  House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 395

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON HEALTH AND HUMAN  
SERVICES**

**REVISED**  
June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Health and Human Services during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows and corrects the June 18<sup>th</sup> letter.

Total Number of Bills & Papers		173
Unanimous Reports	126	
Ought to Pass	7	
Ought to Pass as Amended	50	
Ought Not to Pass	69	
Divided Reports	28	
Carry Overs	16	
Joint Study Orders	2	
Jointly Referred Bills	1	

Respectfully submitted,

S/Susan W. Longley  
 Senate Chair

S/Thomas J. Kane  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 396

**120<sup>TH</sup> LEGISLATURE  
 JOINT STANDING COMMITTEE ON  
 APPROPRIATIONS AND FINANCIAL AFFAIRS**

**REVISED**  
 June 21, 2001

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

Dear President Michaud and Speaker Saxl:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the First Regular Session of the 120th Legislature has been completed. The breakdown of bills before our committee follows:

Total Number of Bills & Papers		119
Unanimous Reports	86	
Ought to Pass	12	
Ought to Pass as Amended	32	
Ought Not to Pass	39	
Referred to Another Committee	3	
Divided Reports	11	

Carry Overs 22

Respectfully submitted,

S/Jill M. Goldthwait  
 Senate Chair

S/Randall L. Berry  
 House Chair

**READ and ORDERED PLACED ON FILE.**

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

**PAPERS FROM THE HOUSE**

**House Paper**

Resolve, to Name the Bridge Between Gardiner and Randolph the Pearl Harbor Remembrance Bridge

H.P. 1395 L.D. 1831

Committee on **TRANSPORTATION** suggested and ordered printed.

Comes from the House, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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**

The President requested the Sergeant-At-Arms escort Gary Crocker the rostrum where he addressed the Senate.

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**

Resolve, to Name the Bridge Between Gardiner and Randolph the Pearl Harbor Remembrance Bridge

H.P. 1395 L.D. 1831

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

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

**ENACTORS**

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

**Act**

An Act to Increase Access to Health Care

H.P. 979 L.D. 1303  
(H "A" H-757)

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 (#168)**

YEAS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SHOREY, TREAT, TURNER, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, DAVIS, MITCHELL, SMALL, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: SAWYER

EXCUSED: Senator: ABROMSON

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, was **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.

The following proceedings were conducted after 12:01a.m., Friday, June 22, 2001.

President Pro Tem **BENNETT** of Oxford moved the Senate extend until 1:00 a.m., pursuant to Senate Rule 514.

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 Increase Access to Higher Education"

H.P. 799 L.D. 1043  
(C "A" H-656)

In Senate, June 4, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY HOUSE AMENDMENT "C" (H-751)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656)**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-656)**, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-401) to Committee Amendment "A" (H-656) **READ**.

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

Senator **DAGGETT:** Thank you, Mr. President. Members of the Senate. I'm pleased to offer this amendment which will provide funds for the Senator George J. Mitchell Scholarship Research Institute, and with the help of the Senator from Sagadahoc, Senator Small, I have been able to develop a plan on which would allow this money to be spent to benefit Maine students, regardless of where they are attending institutions of higher education. There have been a number of pledges to help raise additional money to fulfill this scholarship and matching the

money that has been pledged. I hope that you will join me in adopting it. Thank you.

**THE PRESIDENT:** The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you, Mr. President. I just wanted to offer my brief and heartfelt congratulations to the people that worked this amendment out at this late date in the session. I'm the lead co-sponsor of this bill, L.D. 1043, which is now in a greatly different form than when it was first considered by the legislature. I'm very pleased with the idea behind this amendment, using real money that is available to help Maine kids pursue their dreams and opportunities through higher education. I really greatly appreciate the bi-partisan, non-partisan, spirit with which this was worked out. Congratulations to both the Senators and the other parties to this for working late and making this happen. Thank you.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **DAGGETT** of Kennebec, Senate Amendment "B" (S-401) to Committee Amendment "A" (H-656) **ADOPTED.**

House Amendment "C" (H-751) to Committee Amendment "A" (H-656) **READ.**

On motion by President Pro Tem **BENNETT** of Oxford, House Amendment "C" (H-751) to Committee Amendment "A" (H-656) **INDEFINITELY POSTPONED, in NON-CONCURRENCE.**

Committee Amendment "A" (H-656) as Amended by Senate Amendment "B" (S-401) thereto, **ADOPTED, in NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656) AS AMENDED BY SENATE AMENDMENT "B" (S-401) thereto, in NON-CONCURRENCE.**

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

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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:

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$36,700,000 for the State's Public Universities, the Maine Maritime Academy and other Public Learning Centers  
S.P. 422 L.D. 1378  
(S "A" S-373 to C "A" S-350)

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 (#169)**

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

**NAYS:** Senator: **GOLDTHWAIT**

**ABSENT:** Senator: **SAWYER**

**EXCUSED:** Senator: **ABROMSON**

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 1 Senator being excused, and 32 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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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 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  
(S "A" S-374 to C "A" S-361)

In House, June 20, 2001, **PASSED TO BE ENACTED.**

In Senate, June 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-361) AS AMENDED BY SENATE AMENDMENT "A" (S-374)** thereto, in **NON-CONCURRENCE**.

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

Senator **DAVIS** of Piscataquis moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#170)**

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

**NAYS:** Senators: **None**

**ABSENT:** Senator: **SAWYER**

**EXCUSED:** Senator: **ABROMSON**

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **DAVIS** of Piscataquis to **RECEDE** and **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.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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Senator **RAND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

**ENACTORS**

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

**Act**

An Act to Increase Access to Higher Education

H.P. 799 L.D. 1043  
(S "B" S-401 to C "A" H-656)

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 (#171)**

**YEAS:** Senators: **BENNETT, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MILLS, MITCHELL, NUTTING, O'GARA, RAND, ROTUNDO, SAVAGE, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD**

**NAYS:** Senators: **None**

**ABSENT:** Senators: **MCALEVEY, PENDLETON, SAWYER**

**EXCUSED:** Senator: **ABROMSON**

31 Senators having voted in the affirmative and No Senator having voted in the negative, with 3 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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At this point, a message was received from the House of Representatives, borne by Representative **COLWELL** of Gardiner, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

**ORDERS**

**Senate Order**

On motion by Senator **DAGGETT** of Kennebec, the following Senate Order: S.O. 16

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

**READ and PASSED.**

The Chair appointed the Senator from Kennebec, Senator **DAGGETT**, to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **DAGGETT**, reported that she had delivered the message with which she was charged.

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**ORDERS OF THE DAY**

Senator **CATHCART** of Penobscot moved the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure the Continuing Beauty and Accessibility of Capitol Park

H.P. 158 L.D. 169  
(C "A" H-76)

Tabled - April 11, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)**, in concurrence.)

(In House, April 10, 2001, **PASSED TO BE ENACTED.**)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose her question.

Senator **GOLDTHWAIT:** Thank you. Since this bill was voted Ought Not to Pass by the Appropriations Committee, I would like to know the purpose for taking it off the Appropriations Table and how it will be funded?

**THE PRESIDENT:** The Chair would answer that the motion to take off the table is not debatable.

On motion by Senator **GOLDTHWAIT** of Hancock, 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 (#172)**

**YEAS:** Senators: BENNETT, BROMLEY, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, GAGNON, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MILLS, O'GARA, RAND, ROTUNDO, SAVAGE, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

**NAYS:** Senators: CARPENTER, FERGUSON, GOLDTHWAIT, LONGLEY, MITCHELL, NUTTING, SHOREY

**ABSENT:** Senators: PENDLETON, SAWYER

**EXCUSED:** Senator: ABROMSON

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **CATHCART** of Penobscot to removed the Bill from the **SPECIAL APPROPRIATIONS TABLE, PREVAILED.**

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

Senator **DAGGETT:** Thank you, Mr. President. Members of the Senate. I hope that you will support enactment of this bill. There has been a lot of discussion over the past several years about the issue of Capitol Park; what can and cannot be put in there and how it is treated. This bill has a zero fiscal note. There is no cost to it. It is pretty straight forward and asks that any exercise of the authority to approve any work in the park be done consistent with a plan that was developed by the park by the Olmsted Brothers in 1920 and was updated and the plan revised in 1990. It simply asks for respect of the park so it can continue to be used as it has been and kept undisturbed and the way it is today. I ask for your support of this. There is no cost. Simply an opportunity for the park to be treated as it always has been. 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. If there was no fiscal note, the bill would not have gone to the Appropriations Table. This is a bill that would require conformity with the Olmsted plan of the 20's as updated by the Pressley Plan that is a much more recent revision. There are potential out-year costs to this based on requirements of those plans. That is a fiscal note. That is a cost. In addition to the absence of funding, I strongly object to the fact that, at the tail end of this session, with bills having been acted on by the committee, that they are being removed in this manner

without any option for the committee to address this. I intend to oppose the pending motion.

The Chair ordered a Division. 22 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Governing DNA Testing  
H.P. 1250 L.D. 1698  
(C "A" H-647)

Tabled - June 4, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)**, in concurrence.)

(In House, June 4, 2001, **PASSED TO BE ENACTED**.)

The Chair ordered a Division. 22 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

Senator **CATHCART** of Penobscot moved the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Strengthen Maine's Economic Development Incentive Laws

S.P. 95 L.D. 321  
(C "B" S-216)

Tabled - May 24, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-216)**.)

(In House, May 23, 2001, **PASSED TO BE ENACTED**.)

The Chair ordered a Division. 26 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to removed the Bill from the **SPECIAL APPROPRIATIONS TABLE**, **PREVAILED**.

On motion by Senator **GAGNON** of Kennebec, 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 "B" (S-216)**.

On further motion by same Senator, Senate Amendment "A" (S-378) **READ**.

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

Senator **GAGNON:** Thank you, Mr. President. Men and women of the Senate. I just want to explain what we're trying to accomplish here. The Economic Development Incentive Commission was a commission that was established a few years ago that has had mixed success in what the original purpose was, which is to take a good look at economic development programs. We tried to reconstitute the group in committee this year. We ended up coming up with a group that would essentially be members from the Taxation Committee and members from the Business and Economic Development Committee. As we got further along and this went to the study table, we realized that probably Business and Economic Development and Taxation could probably just meet in sub-committees to do much of the work that the Economic Development Incentive Commission has done in the past. Along with the good Senator from Washington, Senator Shorey, and the two chairs from the other body, we came up with an arrangement where we would be able to do that work. The Economic Development Incentive Commission was sunsetted for next year, so we want to allow that to continue, to allow the original group to be sunsetted. However, also in that sunset rule was a requirement or a sunset that businesses that are receiving economic development funds would no longer be required to report their activities with that money to the Department of Economic and Community Development. We thought that we needed to continue getting that data in order for us to continue doing our work as a sub-committee. So that is exactly what this amendment does. There is no fiscal note. They will just continue collecting information for both committees. I encourage passage. Thank you very much.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-378) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-216) AND AMENDED BY SENATE AMENDMENT "A" (S-378)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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On motion by Senator **MILLS** of Somerset, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**Emergency Measure**

An Act to Provide Funding for a Low-flow Study for the Aroostook Water and Soil Management Board

S.P. 119 L.D. 395  
(C "A" S-158)

Tabled - May 15, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158).**)

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

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 4 Senators having voted in the negative, and 28 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.

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On motion by Senator **MILLS** of Somerset, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Additional Resources to the Oxford County Fair Society

H.P. 831 L.D. 1103  
(C "A" H-56)

Tabled - April 11, 2001, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56)**, in concurrence.)

(In House, April 10, 2001, **PASSED TO BE ENACTED.**)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose her question.

Senator **GOLDTHWAIT:** Thank you, Mr. President. To anyone who cares to answer, how will this bill be funded?

**THE PRESIDENT:** The Senator from Hancock, Senator Goldthwait poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Mr. President. Members of the Senate. In the interest of moving the budget along, there were budget agreements and this and a previous bill were part of that. It was an opportunity to get these bills through this process so that the budget could be expedited. Thank you.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Perhaps I didn't state my question clearly. It was not what budget deals were made earlier, it was how will this bill, and I might add the others we have just taken off the Appropriations Table, be funded?

**THE PRESIDENT:** The Senator from Hancock, Senator Goldthwait poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and men and women of the Senate. My recollection is that there is about \$2.7 million left, creating an over-balance in state funding for this coming biennium budget.

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

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

**Senate Order**

On motion by President Pro Tem **BENNETT** of Oxford, the following Senate Order: S.O. 17

**ORDERED**, that a message be sent to Governor Angus S. King, Jr. informing him that the Senate is ready to Adjourn Without Day and invite him to attend and make such communications as pleases him.

**READ and PASSED.**

The Chair appointed President Pro Tem **BENNETT** of Oxford to deliver the message to the Governor. The Sergeant-at-Arms escorted President Pro Tem **BENNETT** to the Governor's Office.

Subsequently, President Pro Tem **BENNETT** reported that he had delivered the message with which he was charged.

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**Off Record Remarks**

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**Senate at Ease.**

**Senate called to order by the President.**

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

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The Honorable Angus S. King, Jr., Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

**GOVERNOR KING:** At a time like this, to say you're going to be brief is an understatement. I certainly am not going to take a great deal of your time. I appreciate being invited to spend a few moments with you at the end of the session. The first thing I want to do is thank President Michaud, President Pro Tem Bennett, your leadership on both sides, people that I have worked with extensively during this session, and all of you. As I look around the room, I think it's safe to say that every single person in this body has been in my office at some point, on some issue, with some group of students, over the course of this session. I want to thank you all for the courtesy that you've shown to us and for the work that you've done. Just before coming upstairs, I was signing some bills that were passed today and thinking about the kind of interesting nature of what it is that we do because we don't move big objects, we don't drive powerful vehicles, we don't fly airplanes. I sign my name and you flip a little switch, and yet, it has an enormous effect on people's lives here in Maine. Those little actions. It's a very odd thing, if you think about it, that a little action like a squiggle on a piece of paper can make all the difference in someone's life and opportunity as we've all tried to strive for in this session. This, as we've learned, is really hard work. Those of you who have never been here before, I'm sure you've learned that this is really hard work. This body, this organization, this structure that we're all involved with is set up for conflict. It's set up to be the crucible of differences, and resolving differences between people is hard. We've done it, I think, very well in this session. We've had differences. We've had agreements. We've worked together. We've worked sometimes across purposes, but I think we've reached some very good, positive conclusions. The challenge of what we're doing, and I'll leave you with this story. I don't want to sound too much like Gary Crocker, but this is a Maine story and it's true. In fact, Gary was there when this event occurred. I was on a motorcycle up north and pulled into a little general store for gas. Put gas in the motorcycle, walked across the parking lot, into the store. The lady who ran the store saw me coming and recognized me. So when I walked in through the door, she was ready. She had both feet planted behind the counter and she had both hands right on the counter right next to the cash register. The minute I walked through the door she said, 'ha, the tax man.' Now I can deal with that. You know, that's okay. You get that sometimes. I paid for the gas and I was ready to leave. But here's the punch line. As I was walking out the door, she said, 'where are you going from here?' I said, 'well, I'm going south, down the road.' She said, 'good, I hope you have a bumpy ride. Maybe you'll fix the roads.' Now that's the dilemma that we're in every day. Our folks want the roads fixed but they're not too crazy about the taxes. We're constantly trying to find the right balance, because they do want both of those things. They do want the roads fixed. They do want lower taxes. And that's what we're trying to deliver. I think in this session, we've struggled, but I think we've delivered, and it's due to the hard work of all of you. So I just want to thank you for the work that we've been able to accomplish together. I think we have a lot to be proud of. I just want to leave on a personal note. It gets mighty quiet around here in the summer. If you're around, come by. Marilyn Hutchinson just goes crazy when there is no action in this building. So come by and say hi to Marilyn and come by and say hi to all of us and if there's ever anything that I or anybody in

my office can do for you or in your district, in your county, during between now and January, please don't hesitate to call or come by. If you have student groups coming down, send them in to see me. We'll certainly accommodate them. Thank you so much for what we've done together this session. I'll look forward to seeing you, hopefully, over the summer in various places, in parades, or in the office, or wherever we are, and certainly in January. It's awfully late. We're all tired. Please drive carefully on the way home. God speed and thank you for what you've accomplished for the people of Maine. Good night.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

**THE PRESIDENT:** The Chair would like to thank the Senate for the incredible patience and goodwill over the last few days. I would like to especially thank the Secretary of the Senate, Assistant Secretary of the Senate, Joy and Pam, and the rest of the Chamber staff for all the hard work and dedication that you have given over the past six months. I really appreciate all the work. You know, a lot of people said at the beginning of the session, that with a split Senate, it would not work. Even though we did have a power sharing agreement on how we were going to accomplish what we were going to accomplish, I, too, was kind of doubtful that it would work as well as it has. I think there was no gridlock in the Senate or partisan bickering. I think we've proved a lot of people wrong. I think each and every one of you have a lot to be proud of in that manner. We've been able to accomplish a lot as well. I'm amazed at the stuff that we've been able to do this year with an evenly divided Senate, with a shortfall, fairly new Appropriations Committee members. We were able to increase the minimum wage; continue an increase substantially in education, not only through GPA but higher education; expansion of health care and prescription drug coverage; we secured the Maine State Retirement System by refusing to reamortize the system, which saved taxpayers millions and millions of dollars; and we were able to pass a lot of good legislation dealing with the working people of the State of Maine. We also tackled milfoil, mercury, and we did it together. That's one thing, I think, I'm really proud of. Even though we've had a few rough times, we were able to work it out together. I really especially want to thank my colleagues across the aisle, President Pro Tem Bennett, for all his efforts and working with us these past six months, and the Senator from Sagadahoc, Senator Small, and the Senator from Piscataquis, Senator Davis. You've all been truly a joy to work with. We've had a lot of laughs together. There are some laughs and statements that I cannot say publicly, but it really has been an extreme joy working with you. As far as my colleagues on the Democratic side, Senator Treat and Senator Daggett, I must say I've really enjoyed working with both of you. I think members of my caucus know that we do have different philosophies, different personalities, and different styles, but we were able to work together and I think I really appreciate that and I want to thank you for being part of a team, not only on the Democratic side, but part of the team in the Senate. I think things have worked out extremely well. I also want to thank each and every one of the members for your participation over the past six months. It's really been enjoyable. With the membership that we have, and it's something I'm really proud of, one of the things that I think has really worked out extremely well are the chairs' meetings that we had in the

morning. It gave us a chance to really work well together and get to know one another much better. I think that is what really has helped us out with having a smooth session and having been able to expedite the process here in the Senate. With the exception of the last few days, which have been quite lengthy, I think we've had reasonable sessions all year long. So, from the bottom of my heart, I want to thank each and every one of you for all your hard work and thanks for making this an enjoyable six months. I'm looking forward to working with you over the next six months and looking forward to working with Senator Bennett when he becomes the President next year, or actually this year. So I want to thank you once again for all your efforts. Thank you.

President Pro Tem **BENNETT** of Oxford was granted unanimous consent to address the Senate on the Record.

President Pro Tem **BENNETT**: Thank you, Mr. President. Your words were very eloquent and I have to agree with all of them. In so doing, I have to say this is a session that's been characterized, I think, more by agreement than disagreement. There has been a real search for common ground. I have been deeply touched by the attitude that has prevailed invariably in this chamber by all the members, and I have to say, the staff as well, working across party lines, understanding there is no majority, there is no minority in the Maine Senate. We're all in this together and we all have to work together in order to be successful. Some felt that this was a situation destined for failure. I think we've proved that wrong. I believe that we made, and continue to make, during the course of this session, a leap of faith so that we could get along and find common ground. I want to thank all of you for your trust in me, and particularly those on the other side of the aisle, for your good spirit and fellowship in working with me. Particularly, I'd like to acknowledge and thank the two leaders on the Democratic side, Senator Treat and Senator Daggett. It has been a joy to work with each of you and I have been honored. I have also been greatly honored to have working with me Senator Small and Senator Davis on the Republican side. It has been a great leadership team. Above all, on behalf of the Senate, Mr. President, I want to thank you for your steady hand, your quick wit, your warm heart, and your good friendship to all of us in demonstrating a way through your everyday steady work and your long days. Your commitment to this institution and to all of us and to making this a success, you have created some difficult shoes to fill and I will look forward to co-governing the Senate with you when I take the Presidency later this year. I am deeply touched and honored to work with you, sir. Thank you.

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

Senator **SMALL**: Thank you, Mr. President. Is the Senate in possession of any papers at all that looks as though we might win something if we could reconsider on anything? I, too, want to take a moment to congratulate this chamber on, what I consider to be, a very special session of the legislature. In my 23 years up here, I think this is the session that I have enjoyed the most. I think it's been extremely productive. I've won and I've lost some, but through all of that, I think, everyone was afforded civility and respect. It's really nice to learn that if you treat others with respect across the aisle, they will treat you that way right back. My only regret this session is that I did not take the time to get to know the President better when we served in the House and to

get to know my two counterparts, because I find I really like you. So I consider that some very lost moments that I will regret. But the good news is, we have had a chance to forge some new friendships here, some really good working relationships. I lay a lot of the success, Mr. President, at your hands. It was always a pleasure to go in in the morning and hear your even-tempered tolerance of some of our sniping and delay and tabling and whatever. But you never lost your sense of humor. You kept us on track, and once again, you treated us with respect. For the opposition party, I really lay a lot of credit at your feet. I think Senator Bennett is going to have deep shoes to fill and I also feel that he's up to the job. You set the standard and I have every confidence that he will meet that as well. But to my counterparts on the other side, Bev and Sharon, it's been a really extraordinary session. To all the other members who we work with, it's been a pleasure getting to know all of you, getting to know our new members, and work with our old time members. I just want to thank everyone for making this a really productive and enjoyable session. Thank you.

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

Senator **DAGGETT**: Thank you, Mr. President, members of the Senate. I, too, want to add my comments. I think when the session began it was hard to know exactly where it was going to go. But it has been a wonderful session. I do think the tone has been set, not only by the Senator President but also the President Pro Tem. It has been a session, I think, that's been marked by excellent communication, certainly at this end. There have been times that perhaps we didn't agree with each other, philosophically, but we were always able to talk with each other and to listen to what the other person was saying. I think even when there may have been some disagreements within our own sides, we've always been able to communicate. I think that that is really the essence of this body and I think the example that we set in discussing these things and working together can only benefit our constituents and everyone in the State of Maine. I certainly have had the opportunity to actually know the President Pro Tem over a period of time. We've served on the same committees together in the House, and unfortunately, I didn't have a chance to know Senator Small as well, although actually she sat behind me for several terms here in the Senate and the numbers, perhaps, in the House preclude getting to know each other as well as we get to know each other in the Senate. But it's been a joy to work with the entire leadership team as well as all of the members. I'm really leaving with some sadness but very much looking forward to what we can accomplish during the second session and the second year of the session. I'm also very much looking forward to, and perhaps we'll have a chance to participate in, one of the famous productions that will be written by the good Senator from Sagadahoc, Senator Small.

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On motion by Senator **SAVAGE** of Knox, the Honorable **MICHAEL H. MICHAUD**, President of the Senate, declared the First Regular Session of the 120th Legislature, **ADJOURNED SINE DIE** at 1:30 a.m.