

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 3

Second Regular Session (Continued)
April 2, 2002 to April 24, 2002

Third Confirmation Session
October 3, 2002

First Special Session
November 13, 2002

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Senate Legislative Sentiments

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

In Senate Chamber
Thursday
April 4, 2002

Senate called to order by President Richard A. Bennett of Oxford County.

Prayer by Senator Norman K. Ferguson, Jr. of Oxford County.

SENATOR FERGUSON: Thank you very much, Mr. President. On a personal note, Lord, please grant me the patience and endurance to last beyond 9 p.m. Let us be in the spirit of prayer.

All mighty and eternal Father, creator of the universe, we, Your humble servants, gather once more on this the 43rd legislative day to pursue the people's business. We ask for Your divine guidance in this endeavor. We thank You for the spirit of goodwill that has prevailed during this, the 2nd regular session of the 120th legislature. May we conclude our work in a timely and successful manner. Amen.

Doctor of the day, Ronald Chicoin, M.D. of Lewiston.

Reading of the Journal of Wednesday, April 3, 2002.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 4: Installation Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation (EMERGENCY)

H.P. 1627 L.D. 2127

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1031)** (8 members)

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

In House, April 1, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1031)**.

In Senate, April 2, 2002, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Resolve, to Establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds (EMERGENCY)

H.P. 1687 L.D. 2186
(C "A" H-1034)

In Senate, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1034)**, in concurrence.

Comes from the House, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 701

**120TH LEGISLATURE
COMMITTEE ON LABOR**

April 3, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2206 An Act to Assist the Displaced Workers at Hathaway Shirt Company

We have also notified the sponsor and cosponsor of the bill of the Committee's action.

Sincerely,

S/Sen. Betheda G. Edmonds
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

The Following Communication: H.C. 451

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 3, 2002

Honorable Pamela L. Cahill
Secretary of the Senate
120th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on LABOR on Bill "An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study"

(S.P. 789) (L.D. 2133)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1577 L.D. 2083

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1071)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Freedom of Access Laws to Protect Security Plans"
H.P. 1647 L.D. 2153

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1057)**.

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta

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

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1057)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-1057) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1057)**, in concurrence.

HELD MATTER

Bill "An Act to Create the Office of Program Evaluation and Government Accountability"

H.P. 1695 L.D. 2193
(S "A" S-570 to C "A" H-1039)

(In House, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039).**)

(In Senate, April 3, 2002, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039) AS AMENDED BY SENATE AMENDMENT "A" (S-570)** thereto, in **NON-CONCURRENCE.**)

Senator **TREAT** of Kennebec moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039) AS AMENDED BY SENATE AMENDMENT "A" (S-570)** thereto, in **NON-CONCURRENCE.**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039) AS AMENDED BY SENATE AMENDMENT "A" (S-570)** thereto, in **NON-CONCURRENCE.**

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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. 1732

ORDERED, the Senate concurring, that Bill, "An Act to Create the Maine Rural Development Authority," H.P. 1724, L.D. 2212, and all its accompanying papers, be recalled from the Revisor of Statutes, Engrossing Division to the House.

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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 1722

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CORRECT INEQUITIES FOR RETIREES DRAWING SOCIAL SECURITY BENEFITS

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

WHEREAS, retirees covered by federal, state or local government retirement programs are facing hardship in retirement; and

WHEREAS, the retirement benefits of these retirees are low and the cost of health insurance is high and climbing every year; and

WHEREAS, added to this bleak economic picture, even though many of these retirees may qualify for Social Security through their own or their spouses' work, Congress will not let them benefit as other citizens do; and

WHEREAS, the first roadblock, the windfall elimination provision of the federal Social Security Act, requires 30 years of "substantial earnings," as rated on a scale, before a retiree is eligible for the full Social Security benefit. If a retiree does not have 30 years, or some years fall below the standard, the Social Security benefit may be reduced or eliminated; therefore, retirees who earned a pension from working for a government agency and also worked part-time under Social Security may see their Social Security benefits reduced or eliminated; and

WHEREAS, the 2nd roadblock, the government pension offset of the federal Social Security Act, reduces the survivor benefit under Social Security by 2/3 of an individual's retirement benefit. This means the death of a spouse of a retiree is a double tragedy because the offset will reduce the family income by 1/3 or more and then freeze it at that level. Any future increase in the retiree's retirement will result in the loss of Social Security benefits; now, therefore, be it

RESOLVED: That We, your Memorialists, support the repeal of the government pension offset and the windfall elimination provision from the federal Social Security Act; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the

United States House of Representatives and to each member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize with us today on the south wall the Catherine McAuley High School Girls Basketball Team. They won the state Class A Basketball Championship. Included with the team are Tricia Freeman, Joanna Minervino, Justine Pouravelis, Regina Champagne, Kara Ebrahim, Sara Marshall, Kate McConnell, Angela Orlando, Gabrielle Stone, Danielle Gagnon, Vanessa Lux, Laura Ridge, and Courtney Powers. Coaches Elizabeth Rickett, Tim Strohm, Rachel Knox, and Maura Edgecomb. Managers Amrgo Roy and Eva Kecskemethy. Trainer Ann Marie Bouchard. They are the guests today of the Senators from Cumberland, Senator Rand and Senator Brennan. Would they please rise and receive the greetings of the Senate.

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

Senator **BRENNAN:** Thank you, Mr. President, men and women of the Senate. If you were to drive by McAuley High School today, what you would see is a sign that says, 'Nun were better, Class A Championship Girls Basketball Team.' It was interesting to note that 'none' was spelled 'nun'. That I think is in recognition of the nun who is none better and that is Sister Edward Mary, who is the principal of McAuley High School. She also happens to be the sister of Edward Kelleher, who is a noted personality in the State House. But whether you spell none n-u-n or n-o-n-e, this year McAuley High School's Girls Basketball Team was the Class A champions and none were better. So thank you for joining me today in recognizing them for their outstanding season and their outstanding accomplishments. Thank you.

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

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. Lincoln County maybe far away from Portland, but there are some wonderful connections to McAuley. My cousin's daughter, Vanessa, is part of the team and so we have followed the team very carefully this season. I can tell you that, particularly in the last game, as we were sitting in the living room watching it, my mother was on the edge of her chair and had her nitro perched on the arm. We were very concerned that they be successful. What was really fun is that a couple of days later, when I went to order some flowers to send, I talked to the woman at the greenhouse and she said, 'wasn't that a great game.' It was just wonderful to think about how many people shared in the success and the joy and the accomplishment of these wonderful young women. It's a great opportunity for them. It's a great opportunity for us. They come from all over the state and have connections all over the state. They have made Maine proud. I'm proud to have a quiet connection to them. So thank you all very much for being here.

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

Senator **WOODCOCK:** Thank you, Mr. President, ladies and gentlemen of the Senate. It gives me particular pleasure to rise today to congratulate the young ladies from McAuley and Coach Rickett. In my 19 years of coaching, I can honestly tell you that I have never experienced a more unusual circumstance than occurred in my watching this McAuley team for the last 3 years. We place too much emphasis on winning and losing in sports and not enough emphasis on sportsmanship. With this McAuley group, win or lose, you would be unable to tell by looking at their faces. For in the darkest moments, and I have to confess that I may have been part of one of those darkest moments, you could not tell that they had not won. I wish I could say the same thing about the teams that I had over the years. So I want to all of you, and particularly to Coach Rickett, the lessons that you have taught and learned will be very valuable to you for the rest of your lives. It did not go unnoticed. Congratulations.

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

Senator **EDMONDS:** Thank you, Mr. President, men and women of the Senate. I wasn't going to speak but I was sitting here realizing that the young women behind me are clearly younger than myself and they clearly have an advantage that I didn't have. I just wanted to thank all the legislators throughout the country and in the federal government who put together Title 9 all those many years ago that really put the meat into girls sports and allowed us to let them rise as they so admirably have. Thank you.

THE PRESIDENT: The Chair would like to recognize with us today, as already referred to by the Senator from Cumberland, Senator Brennan, Sister Edward Mary, the Principal of Catherine McAuley High School. Would she please rise and receive the greetings of the Senate.

Off Record Remarks

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

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

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

On motion by President Pro Tem **MICHAUD** of Penobscot,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by President Pro Tem **MICHAUD** of Penobscot, the following Joint Order:

S.P. 830

ORDERED, the House concurring, that Bill, "An Act to Control Internet 'Spam'", H.P. 1538, L.D. 2041, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ. Pursuant to Joint Rule 404 a Division was had. 27 Members of the Senate having voted in the affirmative, and 6 Senators having voted in the negative, and 27 being more than two-thirds of those present and voting, the Joint Order was **PASSED**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Authorizing Michelle Booker to Sue the State
H.P. 1672 L.D. 2174
(S "A" S-568 to C "A" H-1044)

In House, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044).**

In Senate, April 3, 2002, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044) AS AMENDED BY SENATE AMENDMENT "A" (S-568) thereto, in NON-CONCURRENCE.**

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

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

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

Senator **MILLS** of Somerset requested a Division.

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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **SMALL** of Sagadahoc to **RECEDE** and **CONCUR.** (Roll Call ordered)

Non-Concurrent Matter

Bill "An Act to Protect Children from Sexual Predators"
H.P. 1482 L.D. 1983

In House, April 3, 2002, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE.**

In Senate, April 3, 2002, on motion by Senator **MCALLEVEY** of York, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

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

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

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.P. 832

STATE OF MAINE
120TH MAINE LEGISLATURE

April 4, 2002

Hon. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Legal and Veterans Affairs
Hon. John L. Tuttle, Jr.
House Chair, Joint Standing Committee on
Legal and Veterans Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Tuttle:

Please be advised that pursuant to P.L. 2001, Chapter 470, Governor Angus S. King, Jr. has withdrawn the nomination of M. Michaela Murphy for appointment as a member of the Commission on Governmental Ethics and Election Practices.

This nomination is currently pending before the Joint Standing Committee on Legal and Veterans' Affairs.

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Specially (4/1/02) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Strengthen the Certificate of Need Law"

S.P. 619 L.D. 1799

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-507)** (9 members)

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

Tabled - April 1, 2002, by Senator **MARTIN** of Aroostook

Pending - motion by Senator **TURNER** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, March 26, 2002, Reports **READ**.)

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. As I mentioned last evening when we were discussing this, I believe that the tide is running out underneath the keel of my vessel and it is now all the way out. So I will, as I like often to say, declare victory because this bill does some things that I actually like. It does repeal certificate of need. That's the good news for me. The bad news is that it reinstates it a different form, albeit, I do think in an improved matter. There are some funding mechanisms that I approve that are indexed to inflation. It also provides additional authority to the commissioner.

Senator **TURNER** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

READ ONCE.

Committee Amendment "A" (S-507) **READ**.

On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "B" (S-573) to Committee Amendment "A" (S-507) **READ**.

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

Senator **DOUGLASS:** Mr. President, I commend the Committee on Health and Human Services for its fine work in changing the certificate of need law. I believe they did an admirable job and put in many changes that were needed. The law, however, has an aspect to it which is that the certificate is granted and then the power of the Commissioner of Human Services is to revoke or change that certificate. I believe that's not necessarily in the best interests of the citizens of Maine. There is, on occasion, a need for the commissioner to look at certificates of need because they have been changed circumstances and that's what this bill brings forward. In particular, because there are certain certificates that might have conditions that are on their way to being met or might be met at a somewhat different level if the commissioner agrees, I would like to have your support in passing this amendment because what it does is extend a little bit more flexibility to the certificate of need process. I would also like to indicate that in preparing this amendment I tried to talk to all the interested parties to make sure that it is a good amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-573) to Committee Amendment "A" (S-507) **ADOPTED**.

Committee Amendment "A" (S-507) as Amended by Senate Amendment "B" (S-573) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-507) AS AMENDED BY SENATE AMENDMENT "B" (S-573)** thereto.

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

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

PAPERS FROM THE HOUSE

Joint Order

Expression of Legislative Sentiment recognizing:

The Waterville Senior High School Science Olympiad Team, winners of the 2002 Maine State Olympiad who will represent the State of Maine in the national competition at the University of Delaware in May: Seniors Brian Esty, Jamitto Fleming, Dan Huber, Chris Montgomery, Alan Priest, John Tuthill and Julie Yeterian; Juniors Chanterelle Butler, Aaron L'Heureux, Thatcher Newkirk, Jesse Remillard and Joseph Spofford; Sophomores Sean Anderson, Colin Donihue, Kristen Huber and Brian L'Heureux; and Head Coach Rosemarie Smith. This is the 7th straight state title for Waterville Senior High School. We extend our congratulations to the team on this remarkable achievement;
HLS 1149

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

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'm extremely pleased today to have the Waterville High School Science Olympiad Team here. As you have read, this is the 7th year that they have won the state title and will be going to Delaware fairly soon. I just want to tell a brief story, which I have already told to our caucus, that I went to the high school one evening because my daughter had a recital at the auditorium there. I went through the front door and off to the right there was a long hallway. I saw this kid sprawled out on the floor with this contraption in front of him that was 'so' big with this tower on it. Down the hall there was this box sitting there, quite a ways down the hall. There was a teacher leaning against the lockers. He had all of these papers around him and all these equations and things that none of us would ever be able to figure out. The object of his experiment was that this thing was going to take off with a weight that would be dropped from the tower which would propel the vehicle straight ahead at some speed. It was my understanding that the higher the speed, the better he would do. In front of that little cart was an egg. That box, I don't know what was in it, but something obviously hard, because if the egg hit the box than the egg would crack and break and he would lose. But the objective was to get there as quickly as possible

and to get as close as possible. So he removed the yardstick in front of the wheels and this thing took off. I thought, 'it's going to blow right through the box.' But this kid had devised this breaking system and that thing came screeching to a halt and sat about 1 ½" from the box. My jaw hit the floor as I observed this and then I introduced myself and then I had to go see my daughter's thing. But I was very amazed by that and all of the other experiments that were similar to that. I'm quite proud of this group. What I am hoping that you will do when you are done with your supplements is to send them over to me so they can all have supplements and we can wish them well on their trip to Delaware. Thank you very much.

THE PRESIDENT: The Chair is very pleased to recognize with us today the Waterville High School Science Olympiad Team. They are the state champions and they will be representing Maine in the nationals in May in Delaware. They are accompanied by their teachers and coaches, Rosemarie Smith and Martha Cobb. Will they all please rise and receive the greetings and the best wishes of the Senate.

PASSED, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/3/02) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data"
S.P. 783 L.D. 2120

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (S-564)**

Report **"B" - Ought to Pass as Amended by Committee Amendment "B" (S-565)** (4 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "C" (S-566)** (2 members)

Tabled - April 3, 2002, by Senator **CATHCART** of Penobscot

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-564)**

(In Senate, April 3, 2002, Reports **READ**.)

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

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

Senator CATHCART: Thank you, Mr. President, men and women of the Senate. I ask that you reject this report so that we can go on and pass Report "C" out of the Appropriations Committee. I just want to tell you briefly of a few differences in the two reports. The reports are actually very similar. There is just about \$3.5 million difference in the bottom line between Report "A" and Report "C". I felt that it was important to let you know that I feel strongly that Report "C" would meet the needs for this bond proposal and would save us on debt service in the long run. I urge you to support the lower amount if we can reject this proposal. Report "C" differs in just a few ways under water pollution control facilities. Report "A" calls for \$8 million and Report "C" is \$5.5 million. This \$5.5 million would still allow us to receive the \$2.5 million in federal matching funds that would be available, actually I think it's a larger amount, but that is not in front of me. We would get the federal match in any case with the lower amount. Report "C" also contains \$.5 million to clean up tire stockpiles, which is an ongoing effort by the state to clean up these stockpiles. This would allow them to finish cleaning up the one in Bowdoin, I believe, and we felt it was very important to finish that project. Under the geographic information systems amount in the bond, Report "A" contains \$4 million and Report "C" is only \$2 million. \$2 million is still enough to allow us to set up the Maine Library of Geographic Information and to set up the governing structure and the uniform standards. I just recommend that this amount is sufficient. We can always come back next year and seek more funds to do more grants to local communities once they learn that this library is available. I think it will take some time for people to realize how beneficial this would be, and therefore, we don't need to put in the entire \$4 million this year. The only other difference, I believe, in this bond is that for pollution control structures on Maine farms Report "A" has only \$1 million for this and Report "C" has \$1.5 million, as was requested and we think is really needed. Thank you, Mr. President.

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

Senator GOLDTHWAIT: Thank you, Mr. President, ladies and gentlemen of the Senate. I wasn't aware that we were debating Report "C". I believe it's Report "A" that has been moved. So that is the report that I would like to address in my comments. I'd like to start with just a few comments about bonded indebtedness in general, because Maine is actually in a very good position regarding our bonded debt. The primary question about any bond package, there should be two, one is it too much debt, and two is, are the items worth funding? So in terms of the first question of is it too much debt? There are two options for looking at the amount of debt the state should carry. One is the 90% rule, which has been a rule of thumb. But there are three major problems with that rule. One is that it doesn't account for all tax supported debt. Two is that it assumes that borrowing should be eventually reduced to zero, which doesn't make any sense at all and I don't think any of us run our lives that way. Long term capital purpose borrowing is a perfectly legitimate financing tool. Three, it doesn't account for favorable and unfavorable economic or borrowing conditions. The 5% rule, on the other hand, does account for all tax supported debt and the proposal before you, Report "A", including the other elements of bonding that are not in front of us yet, is still within that 5% cap. Therefore, it does not affect our bond rating at all. There have been communications

with Moody's Investment and all indications, including from our treasurer's office and Moody's and any other authority on this issue, indicates that this would have absolutely no impact on our bond rating. Very recently we struggled with a situation where the federal government had passed along an economic stimulus package and the state was required to do a great deal in funding that. That was touted as a wonderful thing for the State of Maine. So I submit, if you liked that, you'll love this, because this is economic stimulus in a lot of ways. The debt per capita is well below the national average in the State of Maine. Our overall bonded indebtedness has come down. I think you've received some charts at your desk that indicate these things. So if you were going to reject Report "A" on the basis of it being too much bonding, you would be rejecting some very good projects that affect pretty much every community in the State of Maine at a time when money is quite inexpensive to borrow for absolutely no reason. There is no rationale other than some ill defined discomfort level with that amount of debt. But it certainly doesn't violate any of the economic standards for state indebtedness. I would like to speak to the elements of this L.D. In particular, the ways in which it does differ from other proposals that are out there and the truth is that in many ways the proposals are quite similar. So I'll touch briefly on them, but I want to emphasize the ones in which Report "A" is distinguished. There are three elements in this for farms; pollution control, environmentally sound water sources, and the potato marketing improvement fund. We did reduce slightly the pollution control on Maine farms amount. We were told that the cash flow is more than adequate to keep the project going and to, indeed, do new projects. In order to cover the potato marketing improvement fund, we did a bit of moving money around between those items and think we have adequately covered, in fact fully covered, all three of those programs. The other programs that were really unanimous in terms of support from the committee had to do with everything from overboard discharges, which help open clam flats, to small communities grant programs, which are for those communities that don't have sewage treatment systems. It helps with septic repair in over 100 rural projects. There are uncontrolled hazardous site remediation, solid waste landfill remediation, public drinking water projects, hazardous waste public recycling, and household hazardous waste management, all of which were unanimously supported by the committee. The two elements that we not are as follows; Report "A" provides \$4 million for the GIS program. That draws a \$1.6 million federal funding match and the GIS system is basically an internet based library of largely geographic data which is really being used more and more around the State of Maine and is quite an amazing tool, if you've never seen it in action. As far as municipalities go, it provides tax mapping, natural resource management, and land use planning services. Because it is such a valuable tool, many entities are now at work on trying to develop GIS systems. The questions are, will there be a wasteful duplication of effort? Will these systems be proprietary so municipalities will have to pay to access them? It will it increase the haves and the have nots? Some communities will go ahead with GIS mapping, some will not have the resources to do that. A statewide GIS library would provide that service and that information to all municipalities in the State of Maine as well as to many other agencies. The kinds of things that you can do through GIS mapping, for instance, you can look at automated routing for school buses. You could potentially reduce the cost and increase the time efficiency of routing the school buses in your community by looking at your roads and where your students are located on GIS maps.

Certainly, you could work with environmental and natural resource protection, emergency preparedness and even something as mundane as an abutters notification list. If your community is working on ordinances and there are requirements to notify abutters, you can identify them very quickly on a GIS system. So there are a lot of reasons why this would be of enormous help to the community. We have fully funded this program at \$4 million. The final item in this bond, and perhaps the most significant in terms of differences, is the water pollution control facilities piece. That has a \$2.5 million revolving loan component, which draws \$12.5 million in federal match. But the most significant difference in Report "A" is that it fully funds the other component, which is \$5.5 million for waste water treatment plants. The program identifies 7 towns in which these waste water treatment plants are being constructed. They include Corinna, Vinalhaven, Limestone, Milbridge, Washburn, Patten, and Milford. If you reduce the amount of money in that program, some of those projects will not happen. There is no information that indicates which programs would happen and which wouldn't in a smaller amount. But let me tell you about one of those programs where a particularly compelling case was made. The acting town manager of Vinalhaven came ashore, and that's not an easy thing to do in the schedule of Augusta hearings, to tell us about the waste water treatment situation on her island. It is a granite island, as most of our islands are. It is surrounded by water, which all islands are. Waste water treatment is an extremely critical component of a healthy environment on an island. It is a \$12 to \$13 million project. The population of Vinalhaven is 1,220. How in the world would those people pay for a system to responsibly deal with their sewage waste if not from some assistance from us? They have made a heroic effort. They've gotten federal funds. They've gotten CDBG money. They've gotten rural development money. If you do not support the full amount of funding for the water pollution control facilities, that is the kind of project that may not go forward. So I would urge your support for this full package. This is the big tent bond package and that's a good thing because we cannot afford to leave a community behind. What this does is send money to a prioritized list of communities all over Maine for extremely worthwhile projects. I would ask your support. Thank you.

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

Senator **MILLS:** Mr. President, I would urge you to vote against this package. From the discussion we've had the last several days, I begin to wonder if people recognize that we are a poor state. Bond sometimes take on the character of being other than real money. We sometimes pass things in a bond package with the idea that we'll never have to pay for it because it just goes into the amortization schedule and that is some place that looks like a credit card that we never have to come to grips with. There was a lot of thought in this committee to how to trim this package down. We recognize that there is another year. We sent out a huge bond package last year. It was all accepted. We've cranked that debt into our amortization schedule and now we have this first bill of three which, if they all pass in some form, will add somewhere between \$80 and \$130 million to our indebtedness on top of \$2.5 billion of indebtedness we owe to the pension fund and another \$.5 billion we owe in general bonds that are already issued and outstanding and being amortized. I know these are good projects. I know that these are nice things have. I know that these will be wonderful things to do. But we

have to take it slow and if we impose burdens of this magnitude on the next legislature, and indeed the next 5 or 10 legislatures, we will again be locking ourselves into some of the highest tax rates in America. For that reason, I will be opposing the pending motion.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. I would just like to add that the question to me is not how to trim this proposal but why would you? The Senator from Somerset, Senator Mills, said these things are nice to have. If you ask the people of Corinna or Limestone or Milbridge whether they are nice or whether they are a means of getting sewerage treatment appropriately dealt with, I think they would chose the latter. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-564). 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 (#300)

YEAS: Senators: BRENNAN, DAVIS, EDMONDS, GOLDTHWAIT, KILKELLY, KNEELAND, LONGLEY, MARTIN, MICHAUD, NUTTING, O'GARA, RAND, ROTUNDO, SHOREY, TREAT

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GAGNON, LAFOUNTAIN, LEMONT, MCALEVEY, MILLS, MITCHELL, PENDLETON, SAVAGE, SAWYER, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-564), FAILED.**

Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (S-566) ACCEPTED.**

READ ONCE.

Committee Amendment "C" (S-566) **READ and ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME.**

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 (#301)

YEAS: Senators: BRENNAN, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, LAFOUNTAIN, LEMONT, LONGLEY, MICHAUD, MILLS, MITCHELL, NUTTING, PENDLETON, ROTUNDO, SAVAGE, SHOREY, SMALL, TREAT

NAYS: Senators: GOLDTHWAIT, KILKELLY, KNEELAND, MARTIN, MCALEVEY, O'GARA, RAND, SAWYER, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-566)**.

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

On motion by Senator **SMALL** of Sagadahoc, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

Emergency Resolve

Resolve, Dealing With One-time License Transfers of Sea Urchin Dragging Licenses

H.P. 1726 L.D. 2213

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Act

An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

H.P. 1600 L.D. 2101
(H "A" H-1041; H "B" H-1070 to C "A" H-973)

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 Ensure Equality in Mental Health Coverage

H.P. 1205 L.D. 1627
(H "A" H-1077 to C "B" H-1052)

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

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

ENACTORS

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

Acts

An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles

S.P. 719 L.D. 1921
(S "C" S-535 to C "A" S-476)

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

An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce

H.P. 944 L.D. 1258
(H "B" H-1027 to C "C" H-839)

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/2/02) Assigned matter:

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,150,000 to Stimulate Job Growth in Rural Maine"

S.P. 785 L.D. 2130

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (S-561) (7 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "B" (S-562) (4 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "C" (S-563) (2 members)

Tabled - April 3, 2002, by Senator **CATHCART** of Penobscot

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-561)

(In Senate, April 3, 2002, Reports **READ**.)

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. I ask that you reject this motion so that we can go on to pass Report "C". I won't describe that at this time, but I will say that, in looking at Report "A", I find the total amount

of this bond issue of \$55,735,000 to be egregiously high and I do ask you to reject the motion. Thank you.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. Once again, I will try to just briefly hit the areas in this report that are unique to this report, but also just let you know in general what is in there. It does include two economic loan programs, one an economic recovery loan program that provides gap financing generally for businesses in an economic downturn situation, and a regional economic development loan program which provides money through regional agencies, primarily for the purpose of job creation and retention. There is money to renovate the Harlow Building, where the Department of Conservation used to live until asbestos, lead paint, and mold were found in the building. We are now renting space for that. Renovation of that building would allow the department to move back in, saving us that lease cost. Even if we don't renovate the building, we've got to mothball it and this is a feature that is common to some of the other bond proposals as well. One area where there is a difference here is in the area referred to generally as homeland security. You may see it listed on bond lists as improving response capabilities. But the common term is homeland security. This is the only report that provides money for this and this has been a difficult issue for the committee to come to grips with because in some regards it not the kind of money that we normally think of as bondable and it's also an issue which is still evolving as to how people think about this, what we think we need, what we think is realistic in terms of security, and so on. What this does is, first of all, put up some money, less than half of what the original proposal by the Chief Executive was, but nevertheless, \$4.6 million. That money is what makes us eligible to compete for federal money, which is extremely substantial. We don't have any sense right now. I believe that money is going to be allocated in October of the coming year. We don't really have a sense of how much could be in that for Maine, but we know it will be substantial. As I understand it, we will not be eligible for that if we don't put some state money up and this is the only report that does that. So, it provides \$3.35 million for planning and assessment, which goes in the form of planning money to every town Maine and also to 2,200 public water systems. It provides \$.75 million for public safety, which includes a mobile command post, personal protective gear for our public safety people that work on behalf of our protection, and security at the State Police Barracks. It provides a small amount, \$20,000, for an emergency notification system for public drinking water systems. Also, importantly, \$519,000 for court security. If you remember the compelling presentation made by the Chief Justice this year, she referenced some needs for court security that we were not able to meet in the budget. This would provide even more than her first line major security needs. It provides for screening devices and those kinds of things, and physical security devices in our courts. The municipal investment trust fund is a part of this report, in the amount of \$4 million. It is a trust fund that has existed for a quite a few years but has never been capitalized. About \$300,000 was put in it in the previous session. This would be the first significant

funding of this fund. It provides money for the smaller service centers, who are working on public infrastructure projects such as downtown improvement, transportation, sewer and water, schools, parks, and fire and police issues. It provides gap funding when there are no other sources for those programs. The rural development authority is funded in this report and that is meant to provide money for buildings that might be inhabited by taxpaying businesses. Certainly a need that we have exhibited all over the state. It would be money to acquire, own, develop, lease, or dispose of real and personal property and it would work in areas of the state where the private sector is not doing development projects, hence the designation rural, although it's not strictly limited to rural areas. This report provides \$1.1 million for a project at Schoodic, where the Winter Harbor Naval Base is closing. To me, it is very sad that this all we were able to provide for this project that needed \$4 million, but this money will draw a substantial federal match in the amount of \$4 million that requires a 10% state match and will also allow the renovation of one building for their education and research initiative that is meant to repopulate the community and provide jobs. The population of Winter Harbor is 1,200 people. They have lost 505 jobs through the departure of the naval base. It is a critical situation for them. The base provided \$10.9 million in wages in that area. This is a huge loss. This initiative would help to provide jobs down there. The final components in this package are R&D. The R side being \$6 million for the biomedical research fund. You've heard plenty about that in the course of the session. There are projects on Mt. Desert Island, Portland, Biddeford, and Scarborough. Five non-profit facilities. They turned around the first \$10 million we put in that fund to the tune of a 7 to 1 match and provided 173 new jobs with an average salary of \$47,500. This report does provide \$6 million for that fund. Finally, the D side of R&D are two applied technology centers, one in Orono and one in Gorham. They would work on product analysis, testing, and development with Maine manufacturers on a fee-for-service basis. But it is also a facility which would help to train students in those services. So constitutes the content of Report "A" and I hope you'll support it.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-561). 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 (#302)

YEAS: Senators: BRENNAN, BROMLEY, DAVIS, DOUGLASS, EDMONDS, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MICHAUD, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SHOREY

NAYS: Senators: CARPENTER, CATHCART, DAGGETT, FERGUSON, GAGNON, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)**, **FAILED**.

Report "C" - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (S-563)** **ACCEPTED**.

READ ONCE.

Committee Amendment "C" (S-563) **READ**.

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (S-563).

The Chair laid before the Senate the following Tabled and Later (4/3/02) Assigned matter:

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

H.P. 1637 L.D. 2140
(C "A" H-1046)

Tabled - April 3, 2002, by Senator **MARTIN** of Aroostook

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046)**, in concurrence.)

(In House, April 3, 2002, **FAILED FINAL PASSAGE**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-1046), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-582) to Committee Amendment "A" (H-1046) **READ**.

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

Senator **MARTIN**: Thank you, Mr. President. The Committee on Natural Resources had funded this particular item, which is actually a requirement that we had imposed in the last session, through borrowing money from the Rainy Day Fund. After the cascade approach that was taken by the Appropriations Committee, clearly that would have been creating a mess for all the other things that have been placed in the formula on what was going to happen with the revenues as they come in at the end of the year. So we had to find an alternate method of dealing with this issue and the Department of Human Services has found the money in order to implement the requirements that this legislature imposed last year.

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

Senator **GOLDTHWAIT**: Thank you, Mr. President. It may well be somewhere here, but I cannot locate the amendment and would love to see it before I vote on it.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY**: Thank you, Mr. President. I'd like to pose a question through the chair.

THE PRESIDENT: The Senator may pose his question.

Senator **SHOREY**: Thank you, Mr. President, men and women of the Senate. It seems to me that the Department of Health and Human Services has found a way to absorb \$50,000 for this and yesterday we heard how they were able to absorb \$750,000 for another program and earlier this year they seemed to have found \$7.3 million. My question is, do they have any other monies available for us? Thank you.

THE PRESIDENT: The Senator from Washington, Senator Shorey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President. I'm not able to respond to that question, though it's on my mind as well. If I may pose another question?

THE PRESIDENT: The Senator may pose her question.

Senator **GOLDTHWAIT**: Thank you, Mr. President. To anyone who can answer, we had a bill regarding organ transplants and another one, the subject of which escapes me, but the cost of the posters in those cases were \$16,000. I'm wondering if anyone can account for what the \$49,900 is for?

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 Cumberland, Senator Turner.

Senator **TURNER**: As best as I can recollect, Mr. President, the \$16,000 charge is typically the charge to propagate the Department of Labor's poster, which gets posted in various workplaces around the state. I believe this poster, which has pictures and is more descriptive, perhaps visually, than the typical Department of Labor poster, would go into all dental office around the state. So it's replication and creation is more expensive.

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

Senator **MARTIN**: Thank you, Mr. President, members of the Senate. Let me further respond as well. This issue came to the Committee on Natural Resources last year. The committee unanimously voted that rules be promulgated in order to develop a brochure as well as a poster and the money is to be used to have brochures available in every dentist's office in this state to provide information to the clients as they come in as to the dangers of mercury and laying out the availability of another product, if they chose to use it. So the brochures are, in fact, all designed and are awaiting the printing and distribution by the Bureau of Health throughout the state.

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

Senator **SMALL**: Thank you, Mr. President. I'd like to pose a question through the chair.

THE PRESIDENT: The Senator may pose her question.

Senator **SMALL**: My question is, if the dentist does not currently use the product that they are trying to discourage use of, does the dentist have to display the poster and have the brochures available?

THE PRESIDENT: The Senator from Sagadahoc, Senator Small poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN**: Thank you, Mr. President. Obviously, they will need less of a supply, even though the information would still be available. As a matter of fact, there are very few dentist in this state, I know of only one, that does not use the item that we are presently talking about.

The Chair ordered a Division. 25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ADOPT** Senate Amendment "A" (S-582) to Committee Amendment "A" (H-1046), **PREVAILED**.

Committee Amendment "A" (H-1046) as Amended by Senate Amendment "A" (S-582) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046) AS AMENDED BY SENATE AMENDMENT "A" (S-582) thereto, in NON-CONCURRENCE.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act" S.P. 822 L.D. 2202

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-574).**

Signed:

Senator:
EDMONDS of Cumberland

Representatives:
BUNKER of Kossuth Township
MATTHEWS of Winslow
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-575).**

Signed:

Senators:
SAWYER of Penobscot
TURNER of Cumberland

Representatives:
TREADWELL of Carmel
MacDOUGALL of North Berwick
DAVIS of Falmouth
CRESSEY of Baldwin

Reports **READ.**

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574)** Report.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (4/2/02) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establish Classes of Property for Purposes of Taxation and to Exempt Personal Property from Taxation if there is an Excise Tax on Certain Personal Property
H.P. 1582 L.D. 2087
(C "A" H-1053)

Tabled - April 2, 2002, by Senator **SMALL** of Sagadahoc

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Resolution and accompanying papers, in **NON-CONCURRENCE**

(In House, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1053).**)

(In Senate, April 2, 2002, on motion by Senator **SMALL**, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1053)**, in concurrence.)

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I hope that you will not Indefinitely Postpone this bill. This is really just part of the program that is the tax reform piece that came out of our committee by a 12 to 1 report. The meat of the tax reform effort is in another bill that has not come over this way, L.D. 2086. Without L.D. 2087, L.D. 2086 would be moot. I hope that we would at least offer the people of this state a full hearing and full debate on the merits of the other bill and that we, basically, either keep this bill on the table at this time or we send it back to the other body for them to consider as a package, which would be preferable to me. So I would encourage you to vote against the pending motion to Indefinitely Postpone this so that we can have a full debate, which I the people of this state, people who are concerned about property taxes, want us to have. Thank you.

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

Senator **SMALL:** Thank you, Mr. President, men and women of the Senate. I have no problem holding this up until we have an opportunity to address them together. My concern was that these were flying through the chamber without any sort of scrutiny or debate. It was my intention to have a vote at some point before we came to final enactment. I was concerned about this proposal when it was a study back last session. When I

raised those concerns, they said it was just a study and then they offered to put me on the study but managed to write the language so that no member that wasn't on a committee could be on it. Having been thwarted to having any input on that study, I've been waiting patiently for an opportunity to have some discussion about this. I would agree to it if somebody wanted to make a motion to table this, but I just want to have, at some point, an opportunity to raise some concerns about the other piece of legislation and also about this. Even by itself, I understand that it has to be passed to complement the other piece that will be coming forward. This, in itself, I find chilling, not just because of what's coming with it, but the fact that it is open ended. It just passes an amendment to the constitution to let the legislature do whatever it will, statutorily, to set the property tax rates. That makes me very nervous to open those doors. So I certainly will support a motion to table as long as at some point we can actually debate this. Thank you.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **SMALL** of Sagadahoc to **INDEFINITELY POSTPONE** Resolution and accompanying papers, in **NON-CONCURRENCE**.

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

Resolve

Resolve, Authorizing Michelle Booker to Sue the State
H.P. 1672 L.D. 2174
(S "A" S-568 to C "A" H-1044)

Tabled - April 4, 2002, by Senator **MILLS** of Somerset

Pending - motion by Senator **SMALL** of Sagadahoc to **RECEDE** and **CONCUR**. (Roll Call ordered)

(In House, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044).**)

(In Senate, April 3, 2002, **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044) AS AMENDED BY SENATE AMENDMENT "A" (S-568)** thereto, in **NON-CONCURRENCE**.)

(In House, April 4, 2002, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

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

Senator **MILLS:** Mr. President, I do urge the chamber to vote against the pending motion for several reasons. Number one, I think that the recede and concur motion would incorporate the bill or pass the bill without the amendment putting in a limit on the claim for damages. This is the amendment that we put on earlier, when we last acted on this matter. Secondly, I've had other discussions since yesterday with two members of the Attorney General's Office and with the Department of Corrections. As I understand it, this comes down to a very simple

proposition. In order for the Department of Corrections to have held this man, who did the great harm that he did, there needed to be a warrant issued. The only charges that were pending against him were in Cumberland County. There was no warrant issued from Cumberland County at the county level, the D.A.'s office. The Department of Corrections had no document and no authority to hold this fellow. It boils down to something as simple as that. Maybe there were people who were concerned about his release, I think they were. Maybe there were people that wished there had been a warrant. But there wasn't and in the absence of that paper, issued and signed by a court by a judicial person, there is no authority to restrain somebody's liberty. So I don't understand why this should pass. That's my concern. I don't see why we should subject the court system, the Attorney General's Office, and the Department of Corrections to the presentation of a lawsuit that has no foundation, as far as I can tell. For several reasons, I do urge that you vote against the pending motion.

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

Senator **DOUGLASS:** Mr. President, women and men of the Senate, I rise to urge you to vote in favor of the pending motion. Some of the information that the Senator from Somerset, Senator Mills, has given you with regard to this being about a warrant is simply incorrect. This matter is about a writ, and what there was in this case was a writ from the Cumberland County Superior Court to hold this defendant. Now, I don't know how much of this matter to go into. We got a copy of the writ. It says, 'State of Maine Docket Number PORSCCR200001708CR2001892, State of Maine v. Carl Heath, DOB 06-08-1981.' I don't know how much of this to read to you. Perhaps if we debate this further, I'll read it all to you. What I would like to do is be brief and ask you to honor the committee process in which 13 members of the Legal and Veterans Affairs Committee, which has not allowed many of these suits against the state, voted unanimously to allow this to go forward. Perhaps I need to spend another moment and give you the date on which this writ was issued and the date on which this defendant was released and the date on which he murdered the individual whose heir would bring the suit. That date of this writ is October 2, 2001. The date on which he was released, and let me just go back to another fact that we had presented to us. The date on which the Thomaston individuals and the Bureau of Corrections employees had a conversation in which they discussed outstanding matters, outstanding charges against this individual being pending in Oxford, Kennebec, Cumberland, and Penobscot Counties, was October 11th. The date on which he was released, I believe, was October 13th. I think it was October 15th that he murdered Mrs. Leen. I'm prepared to give you more of the facts, but I think I'm going to end here and ask you to honor the committee process.

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

Senator **MCALLEVEY:** Thank you, Mr. President, men and women of the Senate. I'll try to be as clear as possible. I appreciate the good Senator from Androscoggin, Senator Douglass, providing these dates. I would pose a question and then have a comment if I may.

THE PRESIDENT: The Senator may pose his question.

Senator **MCALLEVEY**: As I understand it, the writ was issued on the 2nd. When was it served? What is the date that the department was given service of the writ and legally knew that they had to hold him?

THE PRESIDENT: The Senator from York, Senator McAlevey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator **DOUGLASS**: It is my understanding, from the information that we were given by the sheriff's department, that the Department of Corrections brought this individual to Cumberland County to be arranged on the charges and that is where the writ was served. The Bureau of Corrections personnel brought him back to Thomaston.

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

Senator **MCALLEVEY**: Thank you, Mr. President, men and women of the Senate. I'm not an attorney, but I know it's a crime to try to represent one's self as an attorney. I know very little about the law. But if the writ was served, where is place of service, where is the signature, who received it? I wish somebody on the committee would tell me who received the writ in hand? Where is the signature by the deputy who served it or the court officer who served it? There should be a docket sheet in the court explaining or documenting that this Department of Corrections was duly and legally notified to hold onto this person. So, if this did occur, there has got to be a physical paper trail of documentation. As I said, I'm not an attorney, I don't profess to be one, and if I am in error about my assumption, then I will change my assumption. But the question is, where is the proof of service of the writ?

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

Senator **DOUGLASS**: I would like to answer the Senator from York, Senator McAlevey's, questions with the following information. I read the docket number. I read the State of Maine. It's a writ of habeas corpus for prosecution. State of Maine v. Carl Heath. It's directed to the Superintendent, Maine Correctional Center and to the Sheriff of Cumberland County. Carl Heath, whose appearance is necessary for the attainment of justice, is now in custody at the above institution and an indictment is pending charging the defendant with 001 burglary, 002 burglary. A hearing has been scheduled. You are ordered to deliver the within named person to the sheriff or any deputy to be brought before the Cumberland County Superior Court. It is signed by Justice Karl Bradford. I guess we could have the trial here. I hope that is not necessary. I'm going to rest and I will ask to be recognized again if it seems to be necessary.

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

Senator **MILLS**: Mr. President, let me hasten to agree that we are spending much too much time on this when we have other important business to attend to. I just need to say that the little writ that everybody's been talking about is a complete red herring. It is a document that is used to bring a prisoner from a

jail somewhere down to court for the day or the afternoon to enter a plea to a charge and then be returned. It is not a warrant that is suitable for holding a person under incarceration indefinitely. Thank you.

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

Senator **MCALLEVEY**: Mr. President, men and women of the Senate, I thank the good Senator from Somerset, Senator Mills, for making the point that I was not eloquently able to do. As I understand it, the Department of Corrections met their legal responsibility of providing the body of that person in court on that writ for an arraignment. But the minute they surrendered him, that writ expired. They took him back into custody to finish the length of his term and they had no legal document to hold him beyond the time of his sentence. We make the laws concerning sentencing, concerning release. At the time that he was to be released, they had no legal authority to keep him beyond that time, which we set, as policy-makers in this state. Regrettably, each one of us in here would prefer to be able to take what happened back. I wish just speaking about it would do that. It was a horrible thing that happened. If the department had had a detainer, and I won't bore you with the legal aspects of it because I'm not a lawyer, they would have honored it and held him and not released him. But I remind you that we make the statutes, we make the laws, and if we want to change the law and say once you've called everybody to make sure there is detainer on him, we'd like you to wait another 48 hours and call again, then let's do that. But the department worked within the confines of the laws that we have and they met their obligation under the law. Now let's just think a second about the warden and the Commissioner of Corrections. Think what they must think every day they release somebody from their custody. They release dozens of people every day and everybody holds their breath, hoping that we've done a good job in rehabilitation, that we'll do an excellent job in parolling them or watching them through their probation or parole, and that we provide them with enough support services. Was there a failure in the system? You bet there was. I don't disagree with that. But the failure rests right back here, with us. So we must do something about it. The solution to this problem does not reside in a court of civil law. It resides in this chamber and the other chamber. That will be my last comment on this. Thank you.

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

Senator **BROMLEY**: Thank you, Mr. President. As a member of the Legal and Veterans Affairs Committee, I can tell you that the 13 of us spent as much, or a little more, time than we have already in this chamber debating this issue. I want to echo the good Senator from Androscoggin, Senator Douglass's, comments to have respect for that process. But let's say we did get it wrong in the Legal and Veteran's Affairs Committee and the open question that the Senator from Somerset, Senator Mills, raises if we had the legal authority to hold this individual. It is my understanding that if you look at the record, and let's face it, what we're offering here is personal opinions, not legal opinions, shows that we did not have the authority. It is my understanding that the state would immediately get a summary judgment and would not be at risk, would not be held liable. So, it seems like that is the worst that can happen. But if we flip that the other

way, and the record does support what we in the Legal and Veteran's Affairs Committee believe it does, I believe we will be doing an injustice, an egregious injustice. Thank you, Mr. President.

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

Senator **DOUGLASS:** Mr. President, men and women of the Senate, I rise because I think that the arguments that have been presented by the Senator from Somerset, Senator Mills, and the Senator from York, Senator McAlevey, actually work to convince you, or ought to convince you, to vote in favor of the pending motion. Here is the reason why, what they have suggested is that even though the Department of Corrections knew and had driven this individual down to Cumberland, and even though they had talked on the telephone with this individual, and even though they had actually delivered him to Penobscot County that they had no public service right and no duty to inquire about the Cumberland County indictment on which he had already been arraigned. Now I think our Department of Corrections had a duty to inquire further and they had the knowledge of these pending actions. From my perspective, if we, as a society, as the State of Maine, aren't expecting the Department of Corrections to act on that information, then we have failed. It is true that these are our laws, we are here to enforce what is the public good, and I hope you will vote in favor of the pending motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Small to Recede and Concur. 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 (#303)

YEAS: Senators: BROMLEY, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, GAGNON, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SMALL, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senators: BRENNAN, CARPENTER, FERGUSON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SHOREY, TURNER

ABSENT: Senator: MICHAUD

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SMALL** of Sagadahoc to **RECEDE** and **CONCUR PREVAILED**.

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

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

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:

Resolve

Resolve, to Allow Julie Harrington to Sue the State
H.P. 1659 L.D. 2165
(C "A" H-1045)

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

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1577 L.D. 2083

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-1071)**

Tabled - April 4, 2002, by Senator **RAND** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

(In House, April 3, 2002, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071).**)

(In Senate, April 4, 2002, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-1071) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-1071), in concurrence.

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

On further motion by same Senator, Senate Amendment "A" (S-567) to Committee Amendment "A" (H-1071) **READ and ADOPTED.**

On motion by Senator **GOLDTHWAIT** of Hancock, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1071) as Amended by Senate Amendment "A" (S-567) thereto, in **NON-CONCURRENCE.**

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

ENACTORS

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

Acts

An Act to Amend the Laws Relating to Development Districts
S.P. 725 L.D. 1966
(C "B" S-547)

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

An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife
H.P. 1432 L.D. 1929
(H "A" H-1061 to C "A" H-1021)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Specially (4/2/02) Assigned matter:

JOINT ORDER - Directing the Joint Standing Committee on Education and Cultural Affairs to Report Out Legislation
H.P. 1707

Tabled - April 1, 2002, by Senator **MITCHELL** of Penobscot

Pending - motion by same Senator to **INDEFINITELY POSTPONE**, in **NON-CONCURRENCE**

(In House, March 25, 2002, **READ** and **PASSED.**)

(In Senate, March 26, 2002, **READ.**)

On motion by Senator **MITCHELL** of Penobscot, Joint Order and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

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

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

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

Emergency Resolve

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

H.P. 1436 L.D. 1933
(H "B" H-1019 to C "A" H-910)

Tabled - April 1, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 27, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY HOUSE AMENDMENT "B" (H-1019)** thereto, in concurrence.)

(In House, April 1, 2002, **FINALLY PASSED.**)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY HOUSE AMENDMENT "B" (H-1019)** thereto, 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-910) as Amended by House Amendment "B" (H-1019) thereto, 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** House Amendment "B" (H-1019) to Committee Amendment "A" (H-910) and **INDEFINITELY POSTPONED** the same, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-556) to Committee Amendment "A" (H-910) **READ** and **ADOPTED.**

Committee Amendment "A" (H-910) as Amended by Senate Amendment "A" (S-556) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-556) thereto, in **NON-CONCURRENCE.**

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

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

An Act to Promote Organ Donation

H.P. 1448 L.D. 1945
(C "A" H-840)

Tabled - March 5, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 28, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840)**, in concurrence.)

(In House, March 5, 2002, **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-840)**, 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-840), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-554) to Committee Amendment "A" (H-840) **READ** and **ADOPTED.**

Committee Amendment "A" (H-840) as Amended by Senate Amendment "A" (S-554) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-840) AS AMENDED BY SENATE AMENDMENT "A" (S-554) thereto, in **NON-CONCURRENCE.**

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

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

An Act to Amend the Pulling Events Laws

H.P. 1454 L.D. 1951
(C "A" H-898)

Tabled - March 22, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898)**, in concurrence.)

(In House, March 21, 2002, **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-898)**, 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-898), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-571) to Committee Amendment "A" (H-898) **READ** and **ADOPTED**.

Committee Amendment "A" (H-898) as Amended by Senate Amendment "A" (S-571) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898) AS AMENDED BY SENATE AMENDMENT "A" (S-571) thereto, in **NON-CONCURRENCE**.

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

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

An Act to Promote Safety of Families through the Workplace
H.P. 1463 L.D. 1960
(C "A" H-841)

Tabled - March 5, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 28, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**, in concurrence.)

(In House, March 5, 2002, **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-841)**, 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-841), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-555) to Committee Amendment "A" (H-841) **READ** and **ADOPTED**.

Committee Amendment "A" (H-841) as Amended by Senate Amendment "A" (S-555) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-841) AS AMENDED BY SENATE AMENDMENT "A" (S-555) thereto, in **NON-CONCURRENCE**.

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

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

An Act to Transfer Responsibility for Determining Eligibility for the Elderly Low-cost Drug Program from the Department of Administrative and Financial Services to the Department of Human Services

H.P. 1522 L.D. 2026
(C "A" H-911)

Tabled - March 25, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 19, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911)**, in concurrence.)

(In House, March 22, 2002, **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-911)**, 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-911), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-553) to Committee Amendment "A" (H-911) **READ** and **ADOPTED**.

Committee Amendment "A" (H-911) as Amended by Senate Amendment "A" (S-553) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911) AS AMENDED BY SENATE AMENDMENT "A" (S-553) thereto, in **NON-CONCURRENCE**.

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

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

An Act to Establish the Maine Public Library of Geographic Information

H.P. 1617 L.D. 2116
(C "A" H-952)

Tabled - March 26, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 21, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**, in concurrence.)

(In House, March 25, 2002, **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-952)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-552) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AND SENATE AMENDMENT "A" (S-552), in **NON-CONCURRENCE.**

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

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

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

H.P. 1670 L.D. 2173

Tabled - March 19, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 13, 2002, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 18, 2002, **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**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-551) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED SENATE AMENDMENT "A" (S-551), in **NON-CONCURRENCE.**

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

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 "B" H-783)

Tabled - March 7, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 14, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-783)**, in concurrence.)

(In House, March 5, 2002, **PASSED TO BE ENACTED.**)

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

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

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

An Act to Support the State's Homeless Youth

H.P. 1528 L.D. 2031
(C "A" H-775)

Tabled - March 6, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, February 12, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**, in concurrence.)

(In House, March 5, 2002, **PASSED TO BE ENACTED.**)

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

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

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

Mandate

An Act Regarding Workers' Compensation Benefits for Firefighters, Rescue Workers and Safety Workers Who Contract Certain Communicable Diseases

H.P. 1283 L.D. 1746
(C "A" H-931)

Tabled - March 25, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 20, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-931)**, in concurrence.)

(In House, March 25, 2002, **PASSED TO BE ENACTED.**)

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

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

An Act to Increase the Opportunities of Retired State Employees to Enroll a Spouse or Dependents in the Maine State Health Insurance Plan

S.P. 729 L.D. 1988
(C "A" S-461)

Tabled - March 21, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-461).**)

(In House, March 20, 2002, **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 Establish a Centralized Voter Registration System for the State

H.P. 1683 L.D. 2182

Tabled - March 27, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, March 20, 2002, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, March 26, 2002, **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.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

With reference to the action of the Senate whereby it insisted and Joined in a Committee of Conference on the disagreeing action of the two branches of the legislature on Bill "An Act to Protect Children from Sexual Predators"

H.P. 1482 L.D. 1983

The Chair appointed as conferees on the part of the Senate the following:

Senator **MCALEVEY** of York
Senator **O'GARA** of Cumberland
Senator **DAVIS** of Piscataquis

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

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

On motion by President Pro Tem **MICHAUD** of Penobscot, **RECESSED** until 6:00 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

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data"

S.P. 783 L.D. 2120
(C "C" S-566)

In Senate, April 4, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-566).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-564), in NON-CONCURRENCE.**

The Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

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

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

ENACTORS

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

Resolve

Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

H.P. 1700 L.D. 2200
(S "B" S-560 to C "A" H-1035)

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

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

ENACTORS

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

Acts

An Act to Update the Department of Defense, Veterans and Emergency Management Laws

H.P. 1288 L.D. 1752
(C "A" H-837; H "C" H-946; S "B" S-557)

An Act to Amend the Motor Vehicle Laws

H.P. 1406 L.D. 1844
(S "A" S-524 to C "A" H-941)

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

An Act to Implement the Recommendations of the Committee to Review the Child Protective System

H.P. 1644 L.D. 2149
(C "A" H-1078)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Create the Maine Rural Development Authority"
H.P. 1724 L.D. 2212
(S "A" S-559)

In House, April 2, 2002, **PASSED TO BE ENGROSSED.**

In Senate, April 3, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-559), in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-559) AND HOUSE AMENDMENT "B" (H-1086), in NON-CONCURRENCE.**

The Senate **ADHERED.**

Sent down for concurrence.

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

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

ORDERS

Joint Order

On motion by Senator **PENDLETON** of Cumberland, the following Joint Order:

S.P. 833

ORDERED, the House concurring, that the Joint Rules be amended in Part 3 by adding a new Subpart C to read:

Subpart C
Legislative Oversight of Government Agencies and Programs

Rule 371. Government Oversight Committee.

The Government Oversight Committee is established. The Government Oversight Committee consists of 6 members of the Senate and 6 members of the House of Representatives and must be evenly divided between the 2 largest political parties represented in each chamber. The President of the Senate appoints 3 members of the Senate to the Government Oversight Committee and the Senate Minority Leader appoints 3 members of the Senate to the committee. The majority party House members are appointed by the Speaker of the House and the minority party House members are appointed by the House Minority Leader. The terms of committee members coincide with the term of the Legislature in which they are appointed. Members shall elect cochair, one of whom represents the majority party and one of whom represents the minority party. One cochair must be from the Senate and one cochair must be from the House of Representatives.

READ.

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **PENDLETON** of Cumberland to **PASS.**

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

COMMUNICATIONS

The Following Communication: S.C. 704

120th LEGISLATURE SENATE OF MAINE OFFICE OF THE PRESIDENT

April 4, 2002

Honorable Pamela L. Cahill
Secretary of the Senate
120th Legislature
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Protect Children from Sexual Predators." (H.P. 1482) (L.D. 1983)

Senator McAlevey of York
Senator O'Gara of Cumberland
Senator Davis of Piscataquis

Sincerely,

S/Richard A. Bennett
President of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act"
S.P. 822 L.D. 2202

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-574)** (7 members)

Minority - Ought To Pass as Amended by Committee Amendment "B" (S-575) (6 members)

Tabled - April 4, 2002, by Senator EDMONDS of Cumberland

Pending - motion by same Senator to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574) Report

(In Senate, April 4, 2002, Reports READ.)

Senator TREAT of Kennebec moved to TABLE until Later in Today's Session, pending the motion by Senator EDMONDS of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574) Report.

The Chair ordered a Division.

On motion by Senator TREAT 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 (#304)

YEAS: Senators: BRENNAN, BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MICHAUD, MILLS, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, TREAT

NAYS: Senators: CARPENTER, DAVIS, FERGUSON, KNEELAND, LEMONT, MCALEVEY, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator TREAT of Kennebec to TABLE until Later in Today's Session, pending the motion by Senator EDMONDS of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-574) Report, PREVAILED.

On motion by President Pro Tem MICHAUD of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

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

H.P. 1628 L.D. 2128

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-1080).

Signed:

Senator: GOLDTHWAIT of Hancock

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

Four Members of the same Committee on the same subject reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-1081).

Signed:

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

Two Members of the same Committee on the same subject Reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "C" (H-1082).

Signed:

Senators: CATHCART of Hancock MILLS of Somerset

Comes from the House with Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080) READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080).

Reports READ.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080)**, in concurrence.

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. I ask you to reject Report "A" so that we can go on to pass Report "C". This bond has a number of pieces in it. I was just being asked by my seatmate about it because the title and the amount of money are still the same as they were in its original form. I urge people to look closely at what elements have been put into this bond. It actually has a cost of \$47 million. It includes the two prisons as well as the school renovations and the sprinklers. It's quite large. I hope that the Senate will reject it so that we can give further consideration to Report "C". Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. This final bond, I think you're receiving it at your desk now, the full color version of the various packages and proposals and that the scorecard there might help you follow along on Report "A". The report is rather different than others, but there are elements that are funded in different bills and so it gets more confusing as we go on here in terms of what is funded and what is not. But let me say that in Report "A" the piece that makes by far the biggest difference in the reports is the fact that Report "A" funds the two correctional facilities, not only as required in statute. I believe it was 1999 that it was said that when next we were going to incur general obligation bonds for correctional facilities, it must be for Windham and Machias. So that answers the question, if there was one, about why those two facilities are the ones being proposed here. More importantly, there is an overall long-term plan for corrections in the State of Maine, which is a very positive thing to me. I think we should be doing more of that kind of long-term planning. These projects are in phase two. We have pretty much completed phase one. It was a tremendous piece of work on the part of both the Criminal Justice Committee, the Department of Corrections, the previous Appropriations Committee, and the legislature. I think we have done a fine job as far as planning for our corrections system. This is simply the next step in that. Again, it is an economic stimulus package in that there are construction projects and they will provide some jobs and stimulus in that regard. We'll also, sort of, finish off the full package of correctional facilities for the State of Maine. Also in this report is \$7 million for sprinkler systems in public school dormitories. Right now, I'm sorry to say, that not all of our public school dorms have sprinkler systems in them. There has never been a multiple loss of life in the state in a sprinkler building. They are extremely effective for preventing loss of life. It is unfortunate that those schools did not incorporate into their planning upgrading their buildings to get them sprinkled, but the fact is that it hasn't been done. If I were back in the day when I was sending my kids off to college, I would certainly not want to send them in as high risk a building such as a dormitory where kids are still kids and don't always exercise the best judgment. Maybe smoking, may have candles, and to be in a large dormitory with no sprinkler system, to me, is absolutely terrifying as a parent and egregious breach of the

responsibility that I think we should have in public schools to our students and our kids. Also, in this is the school revolving renovation fund in the amount of \$15 million. That also completes another intended goal of the legislature, which was to provide a total of \$100 billion for school renovations. There is a very long list of applicants for that money. It has been very well utilized by schools. It is helping schools who don't need to be torn down and rebuilt to renovate their facilities so they are much more adequate for our students. I think it is a perfectly worthwhile use of bonded money for the state. That comprises the package, and as I said, the difference in amounts on that one are due largely to the correctional facilities, which I support doing. I'd also point out, that although this report provides no money for renovating the Harlow Building, the entire package, the three bills in Report "A" provide that money in a different bill that we already considered today. So it is not that the "A" team didn't want to renovate the Harlow Building, we did provide that money in a different bill and that's why you don't see it in the bill before you here. I would urge your support for the pending motion. Thank you.

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

Senator **MCALLEVEY:** Thank you, Mr. President, men and women of the Senate. I rise to ask you to support Report "A". The Criminal Justice Committee, although the name may sometimes be confusing, also hears fire marshal bills and public safety bills. The one point that I want to drive home tonight is the thing that resounded with me the most when we heard the sprinkler bill is that right now, tonight, 8,000 young men and women in this state will be going to sleep, or trying to sleep, in their dormitory in an unsprinkled room. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President, men and women of the Senate. I rise tonight to offer my support also for this proposal. I'd like to speak specifically to the prison issue. It is my understanding that there is a long-term plan. State government very rarely sees long term plans come to fruition. This is one that I think should. It's very important, I think. I think part of the plan, what it called for, was consolidation and eliminating some of the prisons. We had too many prisons in this state. So, part of the plan was to eliminate some of the prisons and consolidate and build new ones. So now we've done that. We're tearing down the Thomaston Prison. We have a new prison in Warren. Now it's time to do phase two, which would be replacing the Bucks Harbor facility with one in Machias. We can look at it several ways. The current downeast facility is not only inadequate, it has serious environmental problems right now. We can either address these problems right now, when we have very favorable interest rates for bonding, or we can address these problems at a later date. But they are going to have to be addressed at some point in time. This is something that we can't overlook. Also, if we go to the new prison as it would be, it would be a savings for the State of Maine. A 34% lower per diem cost. \$85 versus \$130. That is at a facility that is probably one of the most effective and efficient in the state already. So I would ask you, do you want to pay now or do you want to pay more later? We're going to have to pay, as a state, to do this at some point in time. We can't ignore it. It's going to be closed down at some

point because it is going to be run-down and found unfit. Then we are going to have to come up with some emergency funding to build something and it is going to be very expensive and we'll look back and say, 'boy were we irresponsible not to do this when the interest rates were favorable.' Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator O'Gara.

Senator **O'GARA:** Thank you, Mr. President, ladies and gentlemen of the Senate. I guess my seatmates have finally made me understand, or maybe it's late, or maybe I just don't understand all I know about this, but I want to make sure everybody understands that the \$15 million there, you are really voting for \$47 million. Maybe you already understand it. Let me just talk about the two prison facilities. Even though we hate to admit it is happening, more and more people are being sentenced to our facilities. As a matter of fact, more and more women are being sent to our facilities. The two facilities that we are talking about now, and I'm not as familiar with the Bucks Harbor one that will be replaced by the one the good Senator mentioned just a few minutes ago, but in Windham the facility is a disgrace. The units where health care is presented, where mental health is taken care of, where family and friends of inmates are given to visit with them, are a disgrace. We must really understand that if we are going to truly be serious about doing the job that we were directed to do a few years ago, and that is to look at all of our facilities, and we have made some good progress with the new prison and the new facility in South Portland. These are the next two. I urge you, ladies and gentlemen, to support this bond issue and to be sure that you understand about these two facilities. You can talk to anybody in your districts, anybody in corrections, and they will tell you that these facilities are outdated, outmoded, and they are a disgrace. I realize the sentiment of the public sometimes is that we don't want to turn our correctional facilities into penthouses and resorts. Believe me, these are not. But at the same time, there has to be some humanness in the way we incarcerate or treat the people we incarcerate. In my judgment, these two facilities will us move in that direction. I urge you to support the pending motion, keeping in mind that it is the amendment that includes those two facilities that we are talking about. Thank you.

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

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

Senator **MILLS:** Mr. President and men and women of the Senate, I rise briefly just to highlight the fact that the difference between the several reports lays primarily in the issue of whether these two prison facilities should be part of this bond package or whether they should not. I might add that the Harlow Building is part of this package in the other two reports. To give credit to Report "A", in another bond, the Harlow Building is included elsewhere by those who signed onto that report. The Harlow Building is vacant and deteriorating. It is a historical structure. It's on some sort of nationally recognized list of historical structures. We are paying \$300,000 and some odd a year in rent to keep the DEP people downtown while we wait for the Harlow Building to be repaired. I address all of this because the Harlow

Building is not in this motion that lies before you. It's in another, if we should get to it. What is included here is two prison facilities which are certainly worthwhile projects. But I think that they can, in each case, afford to wait. We have built juvenile facilities at great expense in this state in two different locations. We've replaced the entire Thomaston Prison complex with a new one. We have spent, I can't even guess but it must be well over \$100 million in prison facility construction over the past 4 or 5 years. We are well along to accomplishing the plan. But this is a year when the economy has taken a down turn, it seems to me that we could take a breather on these two facilities and wait perhaps until next year before funding them or put them in as part of another bond package. Particularly when you think about all the other things that these projects compete with that are on these long lists that we all have in front of us, they are very worthwhile projects that need to be addressed in this year's bond package. For that reason, I urge you to vote on this roll call against the pending motion so that we might consider another package for your approval. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President, men and women of the Senate. I don't often disagree with my good seatmate from Somerset, Senator Mills, but I would in this case. We're talking apples and oranges here. Just because you fix up a prison in one place, it doesn't make a prison in another work. It doesn't make it any better. All we're doing is, and we've done this over and over again, prolonging it. It's costing us money. It's costing us money to keep these two facilities open. It's costing us money in repairs. So, just because we poured money into a youth facility or because we poured money into a new prison in one place, it doesn't make these two other facilities different. They are different issues. They need to be addressed as such and we need to address them now or else we will definitely pay for it in the future. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Goldthwait to Accept Report "A" Ought to Pass as Amended by Committee Amendment "A" (H-1080). 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 (#305)

YEAS: Senators: BRENNAN, EDMONDS, GOLDTHWAIT, KILKELLY, LONGLEY, MARTIN, MCALEVEY, MICHAUD, O'GARA, PENDLETON, RAND, ROTUNDO, SHOREY, TURNER

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GAGNON, KNEELAND, LAFOUNTAIN, LEMONT, MILLS, MITCHELL, NUTTING, SAVAGE, SAWYER, SMALL, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080)**, in concurrence, **FAILED**.

Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-1082)** **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "C" (H-1082) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-1082)**, in **NON-CONCURRENCE**.

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

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

RECALLED FROM LEGISLATIVE FILES

Bill "An Act to Control Internet 'Spam'"

H.P. 1538 L.D. 2041
(S "A" S-520 to C "A" H-906)

(In House, April 2, 2002, that Body **ADHERED** to **PASSAGE TO BE ENACTED**.)

(In Senate, April 2, 2002, motion by Senator **TREAT** of Kennebec to **RECEDE** and **CONCUR FAILED**. Subsequently, the Senate **ADHERED** to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)** **AS AMENDED BY SENATE AMENDMENT "A" (S-520)** thereto.)

(**RECALLED** from the legislative files, pursuant to Joint Order (S.P. 830), in concurrence.)

On motion by Senator **SMALL** of Sagadahoc, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)** **AS AMENDED BY SENATE AMENDMENT "A" (S-520)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (H-906) as Amended by Senate Amendment "A" (S-520) thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED** Senate Amendment "A" (S-520) to Committee Amendment "A" (H-906) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Committee Amendment "A" (H-906) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-584) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-584), in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1577 L.D. 2083

Tabled - April 4, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1071)** **AS AMENDED BY SENATE AMENDMENT "A" (S-567)** thereto, in **NON-CONCURRENCE**

(In House, April 3, 2002, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071)**.)

(In Senate, April 4, 2002, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-1071) **READ** and **ADOPTED**. On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-1071). On further motion by same Senator, **RULES SUSPENDED**. Senate Amendment "A" (S-567) to Committee Amendment "A" (H-1071) **READ** and **ADOPTED**.)

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, Senate Amendment "C" (S-585) to Committee Amendment "A" (H-1071) **READ** and **ADOPTED**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **RAND** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-1071) as Amended by Senate Amendments "A" (S-567) and "C" (S-585) thereto, in **NON-CONCURRENCE**.

The Chair laid before the Senate the following Tabled and Later (4/2/02) Assigned matter:

Resolve

Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements (EMERGENCY)

H.P. 1593 L.D. 2096

Tabled - April 2, 2002, by Senator **KILKELLY** of Lincoln

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **ADOPT** Senate Amendment "A" (S-541) to Committee Amendment "A" (H-990)

(In House, March 26, 2002, **FINALLY PASSED** .)

(In Senate, April 2, 2002, on motion by Senator **GOLDTHWAIT** of Hancock, **RULES SUSPENDED. RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990)**, in concurrence. On further motion by same Senator, **RULES SUSPENDED** and **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-990). Senate Amendment "A" (S-541) to Committee Amendment "A" (H-990) **READ**.)

On motion by Senator **GOLDTHWAIT** of Hancock, Senate Amendment "A" (S-541) to Committee Amendment "A" (H-990) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "B" (S-586) to Committee Amendment "A" (H-990) **READ** and **ADOPTED**.

Committee Amendment "A" (H-990) as Amended by Senate Amendment "B" (S-586) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990) AS AMENDED BY SENATE AMENDMENT "B" (S-586) 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:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$31,150,000 to Stimulate Job Growth in Rural Maine" S.P. 785 L.D. 2130

Tabled - April 4, 2002, by Senator **SMALL** of Sagadahoc

Pending - **ADOPTION OF COMMITTEE AMENDMENT "C" (S-563)**

(In Senate, April 4, 2002, Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (S-563) ACCEPTED. READ ONCE.** Committee Amendment "C" (S-563) **READ**.)

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 (#306)

YEAS: Senators: **BRENNAN, BROMLEY, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, GAGNON, KNEELAND, MICHAUD, O'GARA, ROTUNDO, TREAT, YOUNGBLOOD**

NAYS: Senators: **CARPENTER, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MITCHELL, PENDLETON, RAND, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT**

ABSENT: Senators: **KILKELLY, MILLS, NUTTING**

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being absent, **ADOPTION** of Committee Amendment "C" (S-563), **FAILED**.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **RECONSIDERED** whereby it **ACCEPTED** Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (S-563)**.

Senator **SMALL** of Sagadahoc moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-562)**.

Senator **TREAT** of Kennebec requested a Roll Call.

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

Senator **TREAT:** Thank you, Mr. President. I would encourage the Senate not to support this particular report. I would like to see an economic development package pass. However, this one is not sufficient, both in the amount of money overall being put into economic development and into the specifics of that report. One of the provisions that is missing here, which is very important to me and my constituents and to many people in this state, is the investment trust fund, which is completely absent from this report. The investment trust fund is something that was recommended by a commission put together last year that a number of us from a number of committees served on, looking at ways that we can assist communities and community preservation and economic development. This report completely misses out on that and I believe inadequately funds other provisions that are more adequately funded in the other reports.

I would encourage you to reject the pending motion for that reason.

On motion by Senator **TREAT** of Kennebec, 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 Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President, men and women of the Senate. The economic development package in this bond package is one which was recommended by the Business and Economic Development Committee. We spent quite a bit of time working on this package and we took a lot of time considering it. We started out with the Governor's package and from there we had hearings, basically. One individual item that I am looking at is the Schoodic Educational and Research Center where we recommended the \$400,000 which draws a match of \$4 million. What we did was ask each and every person who came before our committee, what are your goals? How are you going to measure your goals? How do you plan on obtaining your goals? We were very, very strident and prudent, we felt, in assembling this package. So I would recommend that you approve this package as it is and move forward. Thank you.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I would concur that there are many good things in the package, but I cannot accept it. The fact is that we have had this municipal trust fund in the law for a number of years now. It was devised to assist, particularly, the aging communities of the state in helping to maintain their infrastructure so that these areas would not continue to decay, both large and small towns in the state. I think it's critical that we provide some funding for that. It is missing. It was part of the Executive's proposal to the committee, I believe. They chose to cut it. So I cannot accept Report "B" and I would encourage everyone to reject 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. If I'm reading this chart correctly, this motion would exclude the economic recovery loan program, the regional economic development program, the municipal investment trust fund, the Harlow Building renovations, the response capacity, the teen homeless center, and cultural tourism. If I'm incorrect, I'd ask someone to correct me. Based on that, I would urge that the members vote against the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President. I would like to take this opportunity to correct the good Senator from Aroostook, Senator Martin. If you read down further, you will see it does recapitalize the economic recovery loan program for \$5 million, just as Report "A" did. It recapitalizes the regional economic

development loan program for \$5 million also. It also contributes to the Maine rural development authority. So, yes, it does cover some of those programs that you had mentioned. I would also like to go on to say that we, as a committee, looked at the municipal investment trust fund and as a committee voted 12 to 1 not to include it into this package. 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. What you are not getting in this report is as follows; you are not getting, as has been mentioned, any money for the municipal investment trust fund. It is a fund that is available for projects in municipalities. Has never been capitalized and would be a very valuable and welcomed source of money to the small service centers in order for them to work on infrastructure projects. You are not getting renovation of the Harlow Building. You will need to continue paying out the \$303,000 a year for rent to have a place to house the Department of Conservation as well as paying the cost of keeping that outmoded, outdated, inefficient, asbestos and mold ridden, and bat guano ridden building heated because we need to keep the bats warm, I guess, when we're not using the building and also for security purposes to keep people from entering what is verging on being a derelict building. You are not getting any response capability or homeland security money, which means you will be passing up whatever the federal government has to offer, which could go towards emergency preparedness for our state. As I understand it, we will not be eligible for that if we don't provide any indication of state effort in that area. You would not be getting a teen homeless center in Portland. It was a very compelling hearing in the Appropriations Committee, describing the needs of our very many teenagers who do tend to migrate to the cities and are homeless. You would be leaving a town who is being devastated by the loss of a military base with almost no resources to begin to initiate an economic recovery there. You would be getting a lesser amount than other proposals for the Maine rural development authority. Finally, you would be passing up \$11 million by funding biomedical research at \$4.5 million rather than the \$6 million in another report, given that this money draws a 7 to 1 match. So that is what you will be losing if you support the Report "B" in front of us. I hope you will join me in defeating the pending motion.

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

Senator **SMALL:** Thank you, Mr. President, men and women of the Senate. I just want to make one correction that the renovations to the Harlow Building are in both Report "B" and Report "C" under the school facilities bond issue that is wending it's way through the legislature. So there is another opportunity to fund the Harlow Building in some of the other proposals that we've had before us. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Small to Accept Report "B", Ought to Pass as Amended by Committee Amendment "B" (S-562). 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 (#307)

YEAS: Senators: DAVIS, FERGUSON, KNEELAND, MILLS, MITCHELL, SAVAGE, SMALL, TURNER, YOUNGBLOOD

NAYS: Senators: BRENNAN, BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAWYER, SHOREY, TREAT, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-562)**, **FAILED**.

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)**.

On motion by Senator **SMALL** of Sagadahoc, 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 (#308)

YEAS: Senators: BRENNAN, DAVIS, EDMONDS, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MICHAUD, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SHOREY, TURNER

NAYS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GAGNON, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SMALL, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)**, **FAILED**.

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 705

**120TH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS**

April 4, 2002

The Honorable Richard A. Bennett
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003
Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Alan F. Harding of Presque Isle, for appointment to the Commission on Governmental Ethics and Election Practices.

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

YEAS	Senators	2	Douglass of Androscoggin, Woodcock of Franklin
	Representatives	8	Chizmar of Lisbon, Cote of Lewiston, Duncan of Presque Isle, Heidrich of Oxford, Labrecque of Gorham, O'Brien of Lewiston, Patrick of Rumford, Tuttle of Sanford
NAYS		0	
ABSENT		3	Sen. Bromley of Cumberland, Rep. Estes of Kittery, Rep. Mayo of Bath

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alan F. Harding of Presque Isle, for appointment to the Commission on Governmental Ethics and Election Practices, be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#309)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Alan F. Harding** of Presque Isle, for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

The Following Communication: S.C. 706

**120TH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS**

April 4, 2002

The Honorable Richard A. Bennett
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Honorable James O. Donnelly of Brewer, for appointment to the Commission on Governmental Ethics and Election Practices.

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

YEAS Senators 2 Douglass of Androscoggin,
Woodcock of Franklin

Representatives 8 Chizmar of Lisbon, Cote of
Lewiston, Duncan of
Presque Isle, Heidrich of
Oxford, Labrecque of
Gorham, O'Brien of
Lewiston, Patrick of
Rumford, Tuttle of Sanford

NAYS 0

ABSENT 3 Sen. Bromley of
Cumberland, Rep. Estes of
Kittery, Rep. Mayo of Bath

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable James O. Donnelly of Brewer, for appointment to the Commission on Governmental Ethics and Election Practices, be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#310)

YEAS: Senators: None

LEGISLATIVE RECORD - SENATE, THURSDAY, APRIL 4, 2002

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

ABSENT 3 Sen. Bromley of Cumberland, Rep. Estes of Kittery, Rep. Mayo of Bath

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable David N. Ott of York, for appointment to the Commission on Governmental Ethics and Election Practices, be confirmed.

Signed,

S/Neria R. Douglass Senate Chair

S/John L. Tuttle Jr. House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on LEGAL AND VETERANS AFFAIRS be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#311)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of the Honorable David N. Ott of York, for appointment to the Commission on Governmental Ethics and Election Practices was CONFIRMED.

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of the Honorable James O. Donnelly of Brewer, for appointment to the Commission on Governmental Ethics and Election Practices was CONFIRMED.

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

The Following Communication: S.C. 707

120TH LEGISLATURE COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

April 4, 2002

The Honorable Richard A. Bennett President of the Senate of Maine 120th Maine Legislature State House Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Honorable David N. Ott of York, for appointment to the Commission on Governmental Ethics and Election Practices.

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

YEAS Senators 2 Douglass of Androscoggin, Woodcock of Franklin Representatives 8 Chizmar of Lisbon, Cote of Lewiston, Duncan of Presque Isle, Heidrich of Oxford, Labrecque of Gorham, O'Brien of Lewiston, Patrick of Rumford, Tuttle of Sanford

NAYS 0

The Following Communication: S.C. 708

120TH LEGISLATURE COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

April 4, 2002

The Honorable Richard A. Bennett
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Legal and Veterans Affairs has had under consideration the nomination of Honorable Andrew Ketterer of Madison, for appointment to the Commission on Governmental Ethics and Election Practices.

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

YEAS Senators	2	Douglass of Androscoggin, Woodcock of Franklin
Representatives	8	Chizmar of Lisbon, Cote of Lewiston, Duncan of Presque Isle, Heidrich of Oxford, Labrecque of Gorham, O'Brien of Lewiston, Patrick of Rumford, Tuttle of Sanford
NAYS	0	
ABSENT	3	Sen. Bromley of Cumberland, Rep. Estes of Kittery, Rep. Mayo of Bath

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Andrew Ketterer of Madison, for appointment to the Commission on Governmental Ethics and Election Practices, be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/John L. Tuttle Jr.
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#312)

YEAS: Senator: MCALEVEY

NAYS: Senators: BRENNAN, BROMLEY,
CARPENTER, CATHCART, DAGGETT, DAVIS,
DOUGLASS, EDMONDS, FERGUSON, GAGNON,
GOLDTHWAIT, KILKELLY, KNEELAND,
LAFOUNTAIN, LEMONT, LONGLEY, MARTIN,
MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA,
PENDLETON, RAND, ROTUNDO, SAVAGE,
SAWYER, SHOREY, SMALL, TREAT, TURNER,
WOODCOCK, YOUNGBLOOD, THE PRESIDENT -
RICHARD A. BENNETT

1 Senator having voted in the affirmative and 34 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Andrew Ketterer** of Madison, for appointment to the Commission on Governmental Ethics and Election Practices was **CONFIRMED**.

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

ORDERS OF THE DAY

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establish Classes of Property for Purposes of Taxation and to Exempt Personal Property from Taxation if there is an Excise Tax on Certain Personal Property
H.P. 1582 L.D. 2087
(C "A" H-1053)

Tabled - April 4, 2002, by Senator **DAGGETT** of Kennebec

Pending - motion by Senator **SMALL** of Sagadahoc to **INDEFINITELY POSTPONE** Resolution and accompanying papers, in **NON-CONCURRENCE**

(In House, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1053).**)

(In Senate, April 2, 2002, on motion by Senator **SMALL**, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1053)**, in concurrence.)

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

Senator **GAGNON:** Thank you, Mr. President. I would ask the Senate to, as I've said earlier, not Indefinitely Postpone this bill at this bill and vote against the motion so that we can get the

companion bill to this, that is currently being debated in the other body right now.

The same Senator requested a Division.

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

Senator **MILLS:** Mr. President and men and women of the Senate, the constitutional amendment that lays before you, the proposal for one, is actually a very simple proposal that, in my own mind, stands on its own, independently, of the bill that will soon be before you for a comprehensive reform bill to be put out to referendum. I think it's quite feasible to suggest that this change to the constitution be sent out to the people for their review and possible approval, regardless of how you feel about the work of the Tax Committee this year on comprehensive tax reform or educational support proposals. It's a very simple amendment. It simply says that in spite of what the constitution has said since 1820 about taxing all property the same, at least when it comes to supporting education, the legislature may have some flexibility in setting different rates of taxation for different classes of property. It would enable us to make some adjustments that might benefit many home owners. It might benefit, I suggest, the industrial and commercial properties in this state, which are burdened very heavily with supporting education at the local level. It would give us the freedom to be more flexible in managing the property tax as an engine of school finance. For that reason, I join with the Senate Chair of the Taxation Committee in urging you to vote against the pending motion. Thank you.

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

Senator **SMALL:** Thank you, Mr. President, men and women of the Senate. This is the first part, I think, of a two part question that we will be debating on how we're going to or if we are going to try to reform how we fund our schools. But let me read you the proposed amendment. It says, 'the legislature may establish classes of property and permit a different tax rate for each class of property for the portion of the property tax that is assessed for the purpose of funding public education, from kindergarten to grade 12, as defined by the legislature. The legislature shall establish the procedure to determine the tax rate for each class of property established under this section.' So, clearly we don't even know what the determination is going to be for each class of property. We're going to open it up, but we're not going to have any guarantee within the constitution of what those rates will be. The question is, 'do you favor amending the constitution of Maine to permit the legislature to establish different maximum property tax rates for different classes of property for the purpose of funding education?' But nowhere does it say in the actual constitutional amendment 'maximum.' So, what we're asking today is are we willing to open this up on the idea of what the legislature might do next session or might do 5 sessions from now, when they can change it statutorily? I, for one, don't have enough confidence that it would always be a fair proposal that would be coming out to open up the constitution to this type of change. The amendment does not specify what the various classes of property will be. As I said, this will allow the legislatures in the future to easily change what property is taxed at what rates. I probably shouldn't be debating a different bill, but

for instance, we pass legislation that said business property and residential property would be taxed at 6 mills, there is absolutely nothing that would prevent future legislatures from changing that and putting business at 12 mills and residential at 2 mills, or vice versa. So for this reason, I would be opposing, and hope you will join me in opposing, proposing a change to the constitution for something that is absolutely not guaranteed within that proposal. All we're doing is changing or opening up the doors for the legislature to act. Frankly, I just don't feel comfortable allowing each legislature to make those determinations after we give them that power. so I hope you will join me in voting to Indefinitely Postpone this bill. Thank you.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. Although the Senator is correct, it is not inconsistent with what other changes that are in the constitution under Article 9, section 81, that talks about intangible property. The legislature has the power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property. Furthermore, on the infamous, or famous, depending on your perspective, assessment of certain lands based on current use criteria, even though it spells out specifically what the lands are, does not talk about any real specifics. The point of the constitution is to provide some general guidelines for the legislature and this is what is necessary in order for us to consider the sister bill of this one. Thank you very much.

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

Senator **LONGLEY:** Thank you, Mr. President. In the spirit of reading e-mails that are better written than what some of us can say, a Republican neighbor wrote to me tonight, 'this rational approach to bring some order to chaos deserves the full support of every elected official in this state. While much of the current legislative agenda plays at the margins,' and he references mercury switches and children in backseats, 'our tax base continues to erode and the imbalances grow. Please stand up and be counted in support of this bill.' I'm doing as my constituent has asked. Thank you.

At the request of Senator **GAGNON** of Kennebec a Division was had. 23 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **INDEFINITELY POSTPONE** Resolution and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

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

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

ENACTORS

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

Acts

An Act to Strengthen the Certificate of Need Law
S.P. 619 L.D. 1799
(S "B" S-573 to C "A" S-507)

An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments
H.P. 1647 L.D. 2153
(C "A" H-1057)

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

Resolve

Resolve, Authorizing Michelle Booker to Sue the State
H.P. 1672 L.D. 2174
(C "A" H-1044)

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1577 L.D. 2083

Tabled - April 4, 2002, by Senator **RAND** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1071) AS AMENDED BY SENATE AMENDMENT "C" (S-585)** thereto, in **NON-CONCURRENCE**

(In House, April 3, 2002, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071)**.)

(In Senate, April 4, 2002, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-1071) **READ** and **ADOPTED**, in concurrence. On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-1071), in concurrence.

On further motion by same Senator, **RULES SUSPENDED**. Senate Amendment "A" (S-567) to Committee Amendment "A" (H-1071) **READ** and **ADOPTED**. On motion by Senator **GOLDTHWAIT** of Hancock, **RULES SUSPENDED**. Senate Amendment "C" (S-585) to Committee Amendment "A" (H-1071) **READ** and **ADOPTED**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, Senate Amendment "D" (S-588) to Committee Amendment "A" (H-1071) **READ**.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. This corrects a drafting error that occurred because we ended up dealing with two bills and one got drafted correctly and one did not.

On further motion by same Senator, Senate Amendment "D" (S-588) to Committee Amendment "A" (H-1071) **ADOPTED**.

Committee Amendment "A" (H-1071) as Amended by Senate Amendments "A" (S-567); "C" (S-585) and "D" (S-588) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1071) AS AMENDED BY SENATE AMENDMENTS "A" (S-567); "C" (S-585) AND "D" (S-588)** thereto, in **NON-CONCURRENCE**.

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

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (4/3/02) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act to Increase the Workers' Compensation Insurance Assessment to Fund a Hearing Officer Position"

H.P. 1548 L.D. 2051

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-1036)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 3, 2002, by Senator **MARTIN** of Aroostook

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

(In House, April 2, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1036).**)

(In Senate, April 3, 2002, Reports **READ.**)

Senator **TURNER** of Cumberland requested a Division.

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

Senator **MARTIN:** Thank you, Mr. President and members of the Senate. I would hope that you would vote for acceptance of the Majority Ought to Pass Report. If that motion should prevail, I would move for Indefinite Postponement of the committee amendment, which will then bring us back to the original bill.

At the request of Senator **TURNER** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

READ ONCE.

Committee Amendment "A" (H-1036) **READ.**

On motion by Senator **MARTIN** of Aroostook, Committee Amendment "A" (H-1036) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-589) **READ.**

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. You may remember that last night I told you I was caught somewhat in the middle of both parties. What this amendment does is in the action that is taken is strike out everything that the majority of the committee had done with the committee amendment. It brings it back to the original purpose of the bill and deals only with the issue of a hearing officer in Caribou.

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

Senator **MILLS:** Mr. President, may I simply remind the chambers that my sense is that with the diminished case load in the Workers' Compensation system, particularly in cases that go to full hearings, that the need for an additional hearing officer really has not been demonstrated. If anything, perhaps they should be thinking of dropping down to 9 or 8 to handle the case

load that is presently before them. They have trouble shooter and they have mediators who work to resolve disputes in advance of the formal hearing stage. It's very troublesome to me to see another position added at the expense of businesses in this state when it seems to me that the number of people employed in this capacity should be diminishing rather than increasing. For that reason I will be opposing the amendment.

The same Senator requested a Division.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. I can't disagree with the Senator from Somerset, Senator Mills. However, that is entirely outside of my ability to control. I would hope that if we ever deal with the rest of the issues now facing us in this session, Workers' Comp issues, that could be addressed in that fashion. However, I do know that there is a problem that was created because what they did when they wanted to fill the position that we required them to fill last time was to fill it under a contract basis. As a result, there is no slot presently existing for that position. What this does is create that so that the hearing officer can once again be in Caribou to serve Washington and Aroostook Counties. That is the purpose for which I have offered this amendment. My ability to control what happens with the 4 to 4 board is entirely outside of my jurisdiction. I've absolutely no ability to do it.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. We discussed this matter at some length last night when the matter before us was more expanded than it is now as a result of the good Senator from Aroostook, Senator Martin's, amendment. I'm troubled, and I have to confess that I perhaps helped create the problem because our agreement with the good Senator from Aroostook, Senator Martin, was that we acquiesce to his request for a hearing officer for Caribou with the proviso that this be done without additional expense by the board. The fundamental here, I think, is the dysfunctional organization of a government structure that doesn't work. I think there is an opportunity to cure this things in a more expansive way than what this individual amendment would do. I would also ask that you oppose it. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Adopt Senate Amendment "A" (S-589). 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 (#313)

YEAS: Senators: BRENNAN, BROMLEY, CATHCART,
DAGGETT, DOUGLASS, EDMONDS, GAGNON,
KNEELAND, LAFOUNTAIN, LONGLEY, MARTIN,
MICHAUD, NUTTING, O'GARA, PENDLETON,
RAND, ROTUNDO, SHOREY, TREAT

NAYS: Senators: CARPENTER, DAVIS, FERGUSON,
GOLDTHWAIT, KILKELLY, LEMONT, MCALEVEY,
MILLS, MITCHELL, SAVAGE, SAWYER, SMALL,
TURNER, WOODCOCK, YOUNGBLOOD, THE
PRESIDENT - RICHARD A. BENNETT

19 Senators having voted in the affirmative and 16 Senators
having voted in the negative, the motion by Senator **MARTIN** of
Aroostook to **ADOPT** Senate Amendment "A" (S-589),
PREVAILED.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE
AMENDMENT "A" (S-589), in NON-CONCURRENCE.**

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

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

Off Record Remarks

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

Senator **GOLDTHWAIT**: I request that when we adjourn tonight,
we do so in honor of the Maine Black Bears.

On motion by Senator **GOLDTHWAIT** of Hancock,
ADJOURNED, to Friday, April 5, 2002, at 10:00 in the morning, in
honor of the Maine Black Bears Hockey Team.