

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

Interim Communications Appendix

Senate Legislative Sentiments

Index

Pages 1845 - 2234

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

In Senate Chamber  
Tuesday  
April 9, 2002

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

---

Prayer by Senator Beverly C. Daggett of Kennebec County.

**SENATOR DAGGETT:** Let us pray. Coffee on our table in the morning. The simple gesture of opening a door to go out free. The shouts of children in the parks. A familiar song sung by an unfamiliar face. A friendly tree that has not yet been cut down. May simple things speak to us of Your mercy and tell us that life can be good. Even on this day, as we see the final hours of our legislative session, help us to see the opportunity. Amen.

---

Reading of the Journal of Monday, April 8, 2002.

---

**ORDERS**

**Joint Resolutions**

On motion by President Pro Tem **MICHAUD** of Penobscot (Cosponsored by Speaker **SAXL** of Portland and President **BENNETT** of Oxford, Senators: **DAGGETT** of Kennebec, **DAVIS** of Piscataquis, **SMALL** of Sagadahoc, **TREAT** of Kennebec, Representatives: **BRUNO** of Raymond, **COLWELL** of Gardiner, **SCHNEIDER** of Durham), the following Joint Resolution:  
S.P. 824

**JOINT RESOLUTION RECOGNIZING  
ADULT EDUCATION IN MAINE**

WHEREAS, Public Law 1871, chapter 194 authorized cities and towns to provide for instruction in industrial or mechanical drawing to persons over 15 years of age, either in day or evening schools, establishing the beginning of formal adult education in Maine; and

WHEREAS, the legislation in 1871 was followed by an amendment in 1889, allowing cities and towns to raise money to support evening schools; and

WHEREAS, by 1909, a legislative study determined that 11 cities and towns were maintaining evening schools with an approximate enrollment of 1,400 pupils found to be generally employed in mills or factories; and

WHEREAS, literacy was to become a concern during World War I, and adult education in Maine took a broader focus although the

growth of the programs was modest. The Depression saw a decline of programs due to financial reasons, but by 1934, there were classes in 9 communities with a total enrollment of 2,824 pupils; and

WHEREAS, modern adult education is a product of the 1960's and the "War on Poverty" programs. In 1966, 59 communities offered adult education with a total enrollment of 8,086. The growth has continued dramatically throughout recent decades; and

WHEREAS, current trends in adult education reflect the variety of ways the State's programs serve the needs of the State's population. The trends include:

1. Collaboration with postsecondary institutions through career guidance, brush-up and college preparation classes for aspiring students;
2. High school completion and General Equivalency Diploma, GED, programs, with 650 high school diplomas and 3,500 GED's awarded in the State last year;
3. Job readiness, including career guidance and a variety of skills classes, including computer training and many other vocational offerings;
4. Workplace literacy, including courses offered on site at businesses focusing on such topics as math, computer literacy and writing skills;
5. Family literacy, which includes a coordinated approach, including adult education, early literacy, parenting instruction and intergenerational activities; and
6. A vibrant array of community programs reflecting the needs and interests of Maine people; and

WHEREAS, funding for adult education in the State is a partnership that includes state subsidy, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That We, the Members of the 120th Legislature now assembled in the Second Regular Session, pause to acknowledge and applaud adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

**READ.**

On motion by President Pro Tem **MICHAUD** of Penobscot, **TABLED** until Later in Today's Session, pending motion by same Senator to **ADOPT**.

Off Record Remarks

---

Senate at Ease.

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:

**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 "D" S-605 to C "A" H-1035)

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

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

Senator **SHOREY:** Thank you, Mr. President, men and women of the Senate. Once again I rise to speak on this. Again, this is just a study. It is not a referendum on any casino. Also I'd like to remind you that this includes the amendment which the Senate had asked for to give it parody with the other body as far as members and the composition of the members of the study. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate Final Passage. 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 (#331)**

YEAS: Senators: BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, FERGUSON, GAGNON, KILKELLY, LAFOUNTAIN, MARTIN, MCALEVEY, MICHAUD, MITCHELL, O'GARA, PENDLETON, RAND, ROTUNDO, SHOREY, YOUNGBLOOD

NAYS: Senators: BRENNAN, DAVIS, EDMONDS, GOLDTHWAIT, KNEELAND, LEMONT, SAVAGE, SAWYER, SMALL, TREAT, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: LONGLEY, MILLS, NUTTING

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, 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:

**Acts**

An Act to Reduce Medical Errors and Improve Patient Health  
S.P. 419 L.D. 1363  
(S "B" S-604 to C "A" S-527)

An Act to Establish the Maine Consumer Choice Health Plan  
S.P. 793 L.D. 2146  
(S "A" S-548; S "B" S-606 to C "A" S-530)

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

---

Senate at Ease.

Senate called to order by the President.

---

Off Record Remarks

---

**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (4/8/02) Assigned matter:

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

Tabled - April 8, 2002, by Senator **DOUGLASS** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 3, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1045)**, in concurrence.)

(In House, April 4, 2002, **FINALLY PASSED.**)

On motion by Senator **DOUGLASS** of Androscoggin, 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-1045)**, 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-1045), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-613) to Committee Amendment "A" (H-1045) **READ.**

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

Senator **DOUGLASS:** For purposes of a brief explanation to the members of the Senate, I would just offer that this is having a self-insurance pool cover the \$30,000 that was estimated as being required for the services of an outside attorney on copyright law, which is arguable. This is the way to solve that issue.

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

Senator **TURNER:** Thank you, Mr. President, ladies and gentlemen of the Senate. The state may, in fact, operate in a different fashion than I am accustomed to, but when you self-insure and have a risk management structure within your organization, typically what happens is they end up taking the money from the department that is asking for the self-insurance. So I think, as perhaps my Uncle Lester might have said, 'you are going around Robin Hood's barn and you are coming back to the same point.' You still have a \$30,000 fiscal note. I don't think this amendment cures the issue. Thank you.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#332)**

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

**NAYS:** Senators: CARPENTER, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SHOREY, TURNER

**ABSENT:** Senator: NUTTING

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DOUGLASS** of Androscoggin to **ADOPT** Senate Amendment "B" (S-613) to Committee Amendment "A" (H-1045), **PREVAILED.**

Committee Amendment "A" (H-1045) as Amended by Senate Amendment "B" (S-613) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. Once again, trying to be in two places at once and just getting a look at this amendment which proposes to fund this bill using the risk management fund, which I have just this second been given to understand is an improper use of that fund. I, by no means, understand the details of that or whether that is a statutory conflict or what it is. But, I have been told by a member of the administration that this fund is not an appropriate source of money to cover this cost. Therefore, I would have to vote against the final enacting vote.

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

Senator **MILLS:** Mr. President, I have a question for anyone who might be able to answer, if they chose.

**THE PRESIDENT:** The Senator may pose his question.

Senator **MILLS:** I would ask if someone knows what the balance is in this fund and what are the other obligations that may be against this fund or likely to be against this fund in the coming biennium? Who has control over the fund and can someone describe the usual and customary uses for this fund?

**THE PRESIDENT:** The Senator from Somerset, Senator Mills poses a question through the Chair to anyone who may wish to answer.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1045) AS AMENDED BY SENATE AMENDMENT "B" (S-613)** thereto, 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.

---

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

JOINT RESOLUTION - relative to Recognizing Adult Education in Maine.

S.P. 824

Tabled - April 9, 2002, by President Pro Tem **MICHAUD** of Penobscot

Pending - motion by same Senator to **ADOPT**

(In Senate, April 9, 2002, on motion by President Pro Tem **MICHAUD** of Penobscot, **READ**.)

On motion by President Pro Tem **MICHAUD** of Penobscot, **ADOPTED**.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber the Executive Director of the Adult Education Association of Maine, Cathy Newell of Greenwood, and a number of students in the Adult Education Program. They are the first wave of a number of students who will be with us today, throughout the day. I would ask them all to please rise and receive the greetings of the Senate. Ms. Newell is the guest today of the Senator from Oxford, Senator Ferguson, and the Adult Education students are the guests today of the entire Senate.

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

---

Off Record Remarks

---

On motion by Senator **DAGGETT** of Kennebec, **RECESSED** until 11:15 in the morning.

After Recess

Senate called to order by the President.

---

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

**ENACTORS**

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

**Mandate**

Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education

H.P. 1624 L.D. 2124  
(S "A" S-601 to C "A" H-1026)

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 26 Members of the Senate, with no Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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

**ENACTORS**

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

**Mandate**

An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records

H.P. 1721 L.D. 2209  
(S "A" S-603)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 28 Members of the Senate, with 1 Senator having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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

H.P. 916 L.D. 1230  
(S "A" S-599 to C "B" H-784)

**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 Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

S.P. 133 L.D. 457  
(S "A" S-598 to C "B" S-412)

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

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

Senator **MILLS:** Mr. President, just to remind the chamber that this the bill that would exempt the broadcasting industry from having to pay sales tax on the equipment that it buys. It is a permanent erosion of our sales tax base in favor of an industry that provides a service. I have a small business that provides a service. I have to pay sales tax on my new copiers. I have to pay a sales tax on my new computers. I have to pay a sales tax on all of the equipment that I buy for the services that I provide in my hometown of Skowhegan. Apparently, this is not the same rule that the broadcasting industry wants to live by. They want to be exempt from the sales tax for the services that they provide. I don't think it makes any sense. Accountants have to pay sales tax on the equipment that they buy. Everybody in almost all of the newspapers, columnists, have paid lip service to the notion. To continue eroding our sales tax base by granting special favors to constituent industries, or little sectors of our business community, without good justification is exactly what is wrong with our sales tax. Every year, in the Taxation Committee, the committee meets sometimes in retreat, sometimes in a series of special work sessions, to ruminate over how we can possibly fix all that is broken with our pathetic sales tax. It is one of the narrowest bases in the United States. We tax fewer things and fewer services than most other states tax and yet we never seem to be able to overcome the resistance of the special interest lobby to expand the base out to where it should be so that we could, potentially, reduce the rate or reduce some other tax. Instead, we create further holes. It's like moths eating away at a fabric. You have the chance today to stop this process, at least for this major erosion which will take away \$1.2 million in revenue from the next biennium and further exacerbate a structural gap that is in the several hundreds of millions already. I ask that you vote red and thank you.

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

Senator **GOLDTHWAIT:** Mr. President, ladies and gentlemen of the Senate. I too will be voting against the pending enactment motion on this bill. We have accepted a number of federal priorities during this session, some of which I disagree with in the absolute, some of which I thought were good ideas. But the timing made life quite difficult and now we're being asked to accept a federal priority in terms of the quality of the television that we watch. I think that is a bit of overreaching and I don't support this exemption for that purpose and will be voting against the pending motion.

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. I just wanted to remind the Senate that this was a unanimous committee report last session, out of the Taxation Committee room. It is a parody issue for the industry. Keep in mind that these are companies, unlike other companies that I've been reminding you of in the last few days, that have a license to do business in a specific geographic area, their market area. They are not going anywhere. These are primarily Maine owned businesses, in the State of Maine, that aren't going anywhere. If you want to see it as economic development, that's fine. I see it more as an equity issue for comparable industries, including the print industry that gets a tax exemption on their equipment to print their newspapers. So I would encourage you to support the pending motion and we can get out of here. Thank you.

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. Just briefly. I would ask you to support the pending motion. I think the broadcasters do a great deal of public service in this state and they are faced with the extremely high cost of converting to digital. As far as the new sales tax exemptions, I have to agree that we probably have way too many exemptions and we do need to reform our tax system that gives all of these exemptions. But I think we have a number of exemptions that are much sillier than this one. I hope you will support the pending motion. Thank you.

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

Senator **TURNER:** Thank you, Mr. President. I would like to make two comments and would encourage you all to support the good Senator from Somerset, Senator Mills, and the good Senator from Hancock, Senator Goldthwait. The two points that I would like to make are these; first the bill, as now before us, goes well beyond the wildest expectations of the broadcasters. They wanted a limited exemption to do their digital conversion. We've now giving them an all-time exemption from sales tax. Why? I can't imagine. There was some reference made that this was just like manufacturing equipment. Most manufacturers, in fact all manufacturers, rightly get an exemption from sales tax on those things that are used in production. The rationale being rather simple, once that a finished product comes off the manufacturing equipment, we tax the finished product when it is

bought. There is no parallel for broadcasting. You seek now to exempt the signal but nobody is buying the signal. It's coming into their television sets without charge. So I would urge you to vote against this motion. 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. In response to the good Senator's comments. Ironically, very little paper that we produce in this state is taxed in this state as a final product. They are put on railroad cars and shipped out of state and we never see the final product. Yet the paper industry has no terrific allegiance to this area, as was demonstrated in my area once again. They don't have a license to do business in a particular area. Maine broadcasters are Maine businesses. They can only operate in Maine because that is the area that they have. Finally, Mr. President, there are items that are taxed with the product. Cable boxes, the cable services that people purchase in their homes are all taxed. If we do not allow a sales tax exemption on the equipment that is used to produce that broadcast, we are pyramiding. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Enactment. 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 (#333)**

**YEAS:** Senators: BRENNAN, BROMLEY, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, KILKELLY, LEMONT, MARTIN, MICHAUD, O'GARA, PENDLETON, RAND, SAVAGE, SHOREY, SMALL, TREAT, THE PRESIDENT - RICHARD A. BENNETT

**NAYS:** Senators: CARPENTER, GOLDTHWAIT, LAFOUNTAIN, MCALEVEY, MILLS, MITCHELL, ROTUNDO, SAWYER, TURNER, WOODCOCK, YOUNGBLOOD

**ABSENT:** Senators: KNEELAND, LONGLEY, NUTTING

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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 Stabilize the Funding of the Department of Inland Fisheries and Wildlife

H.P. 1432 L.D. 1929  
(S "A" S-600; H "A" H-1061 to C "A" H-1021)

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 (#334)**

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

**NAYS:** Senators: DOUGLASS, GOLDTHWAIT

**ABSENT:** Senators: KNEELAND, NUTTING

31 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

---

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 \$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  
(C "A" H-1082)

In House, April 4, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080).**

In Senate, April 4, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-1082), in NON-CONCURRENCE.**



Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1080) AS AMENDED BY HOUSE AMENDMENT "C" (H-1108)** thereto, in **NON-CONCURRENCE**.

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

---

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

---

**ORDERS OF THE DAY**

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

An Act to Create the Transit Bonus Payment Program  
H.P. 386 L.D. 507  
(C "A" H-780)

Tabled - February 20, 2002, by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, February 14, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-780)**, in concurrence.)

(In House, February 19, 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 **SAVAGE** of Knox the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Modernize the Procurement Practices at the Department of Transportation  
H.P. 1483 L.D. 1984  
(C "A" H-798)

Tabled - February 26, 2002, by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, February 20, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**, in concurrence.)

(In House, February 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

---

On motion by Senator **FERGUSON** of Oxford, **RECESSED** until 1:30 in the afternoon.

After Recess

Senate called to order by the President.

---

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent 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

In Senate, April 4, 2002, on motion by Senator **GOLDTHWAIT** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

In House, April 5, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561) AS AMENDED BY HOUSE AMENDMENT "A" (H-1096)** thereto, in **NON-CONCURRENCE**.

In Senate, April 5, 2002, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561) AS AMENDED BY HOUSE AMENDMENT "B" (H-1107)** thereto, in **NON-CONCURRENCE**.

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

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 Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

H.P. 1575 L.D. 2081  
(C "A" H-1054)

On motion by Senator **SAVAGE** of Knox, placed on the **SPECIAL HIGHWAY 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:

**Act**

An Act to Promote the Fiscal Sustainability of the Highway Fund  
H.P. 1516 L.D. 2020  
(C "A" H-1042)

On motion by Senator **SAVAGE** of Knox, placed on the **SPECIAL HIGHWAY 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 Authorize a General Fund Bond Issue in the Amount of \$43,000,000 to Improve Homeland Security in Maine, to Renovate a State Office Facility, to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham"

H.P. 1629 L.D. 2129

In Senate, April 3, 2002, pursuant to Joint Rule 310.3 placed in Legislative Files, in concurrence.

In House, April 9, 2002, **RECALLED** from Legislative files pursuant to Joint Order (H.P. 1736), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1110)**, in **NON-CONCURRENCE**.

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

---

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

---

**ORDERS OF THE DAY**

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 Committee to Review the Child Protective System

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, April 3, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1078)**, in concurrence.)

(In House, April 4, 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-1078)**.

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-1078), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-614) to Committee Amendment "A" (H-1078) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1078) as Amended by Senate Amendment "B" (S-614) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1078) AS AMENDED BY SENATE AMENDMENT "B" (S-614)** 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 Include all State-supported Institutions of Higher Education in the Clean Government Initiative

H.P. 1642 L.D. 2145  
(C "A" H-1047)

Tabled - April 3, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H- 1047)**, in concurrence.)

(In House, April 3, 2002, **PASSED TO BE ENACTED.**)

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

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

---

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

**Resolve**

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

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 4, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1044)**, in concurrence.)

(In House, April 4, 2002, **FINALLY PASSED.**)

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

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

---

The Chair noted the absence of the Senator from Aroostook, Senator **KNEELAND** and further excused the same Senator from voting on this matter.

---

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#335)**

**YEAS:** Senators: **BRENNAN, CARPENTER, DAGGETT, FERGUSON, GAGNON, GOLDTHWAIT, LEMONT, MCALEVEY, MILLS, SAVAGE, SHOREY, TURNER**

**NAYS:** Senators: **CATHCART, DAVIS, DOUGLASS, KILKELLY, LAFOUNTAIN, MICHAUD, O'GARA, PENDLETON, ROTUNDO, SAWYER, SMALL, TREAT, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT**

**ABSENT:** Senators: **BROMLEY, EDMONDS, LONGLEY, MARTIN, MITCHELL, NUTTING, RAND**

**EXCUSED:** Senator: **KNEELAND**

12 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 7 Senators being absent and 1 Senator being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE, FAILED**.

**FINALLY PASSED** 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 Create the Office of Program Evaluation and Government Accountability

H.P. 1695 L.D. 2193  
(S "C" S-595 to C "A" H-1039)

Tabled - April 8, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1039) AS AMENDED BY SENATE AMENDMENT "C" (S-595) thereto.**)

(In House, April 6, 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.

---

Senate at Ease.

Senate called to order by the President.

---

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

#### REPORTS OF COMMITTEES

##### Senate

##### Ought to Pass As Amended

Senator GAGNON for the Committee on **TAXATION** on Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire (EMERGENCY)

S.P. 825 L.D. 2205

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-615).**

Report **READ.**

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

---

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

#### PAPERS FROM THE HOUSE

##### Non-Concurrent Matter

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  
(C "B" S-575; S "A" S-609 to H "A" H-1101)

In House, April 6, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1101), in NON-CONCURRENCE.**

In Senate, April 8, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-575) AND HOUSE AMENDMENT "A" (H-1101) AS AMENDED BY SENATE AMENDMENT "A" (S-609) thereto, in NON-CONCURRENCE.**

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

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

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

Senator **EDMONDS:** Thank you, men and women of the Senate. I have a few thoughts that I would like to put in your minds as we're thinking about this. Not that we haven't thought about it a lot. But I have a few additions. I went back, I think the most troubling thing for me about this whole debate that we've been engaged in now for two or three weeks is that it came before us in a fashion that was quite rapid and I know that probably people didn't feel as if they were thrusting it down our throats, but it certainly has felt that way on this end. I think that one of the most disturbing things for me has been that when it came to the Labor Committee and we did have a long seven hour public hearing, it was very clear to me that the issue at hand was repealing the non-work related injury portion of Kotch. Nothing else was mentioned. That was the thing that was talked about. Just because I was not convinced that I had my memory completely clear, I went back and looked at testimony that came before us. The Maine State Chamber's testimony said, 'the key facets of the Kotch decision and it's impact on the Maine Workers' Compensation system are relatively straight forward. The question, simply put, is should an non-occupational injury, in part, allow an individual access to lifetime benefits under the Maine Workers' Comp system?' Another testimony that came before us was from Vincent McLaughlin that said, 'L.D. 2202 will correct the imbalance created by the recent Maine Supreme Court decision which stacks non-occupational injury impairments on top of workplace injury impairments when meeting the threshold for lifetime benefits.' That's what we were brought with. I think people have worked very hard to get enough understanding with enough people so that everybody is on the page to repeal the non-work related injuries. Then, as we try to get to that place, it ends up that other things have been brought forward that imply that that wasn't the actual problem. That concerns me. It concerns me because the cost part concerns me a lot. I raised this last night. In L.D. 2202, we were told that the Kotch case would cost Maine businesses \$45 million, an increase of 15 percent. We all agreed that this was more than Maine businesses could afford. President Pro Tem Michaud of Penobscot developed legislation that repealed Kotch and then the Chief Executive announced at a press conference that simply repealing Kotch and not going all the way as the language he had put forward in L.D. 2202 would still cost \$38 million. I just don't get it. That's only a \$7 million difference. If you do that math, that comes out that the non-work related injuries, which were the things that were touted as the difficulty, were, in fact, only 20 percent of the problem. So I just feel like part of this has been a whole confusion and mistrust and it makes me concerned. I also just want to clarify one other thing. I dug around and found the annual report of the Status of the Maine

Workers' Compensation System for February 2002. Again, I want to quote, this says 'an annual report is compiled by Actuary and Technical Solutions, Inc., an independent firm which compiles and studies workers' comp.' It says here, 'in 1999, Maine returned to the 30<sup>th</sup> position and in 2000, Maine rose to the 33<sup>rd</sup> position of the 45 states for which data is reported.' So we're not 6<sup>th</sup>. We're in the middle somewhere, where we've been. I just wanted to put those notions forward and encourage you to keep your eye on the fact that repealing Kotch is what everybody wants to do and my definition of what repealing Kotch is, is the non-work related injuries. I'd like to have a vote of the yeas and nays please.

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 Lincoln, Senator Kilkelly.

Senator **KILKELLY:** Thank you, Mr. President, men and women of the Senate. We can go into long and detailed explanations of the option that is before us or we can attempt to go into a short synopsis of the option that is before us. I guess my feeling is that we have already gone the long route and maybe it's time for the short one. The reality here is that the option that you have before you is to accept the bill that's been passed by the other body that, according to NCCI, will cost \$30 million a year, prospectively, and wrought retroactive costs between \$100 and \$200 million. Now whether you believe those numbers or not, whether you believe that NCCI is, in fact, the best source of those numbers, it's been the source of the numbers for 10 years. The rates, particularly for the self-insured, are built on those numbers. So when your school superintendents get their bill, based on what's before us if we do, in fact, Recede and Concur, is going to be higher than if we were able to continue with the amendment that was put on in this body last night. Your municipality is going to get a higher Workers' Comp bill. Your hospitals, your non-profits, as well as the businesses in your districts, whether they are large businesses or small businesses. Both of the options before us repeal Kotch. Again, what I said last night still stands. Depending on where you think the starting line is, you have one position or the other. That's perfectly fine. That's what this body is all about and that is what the other body is about. That's what our process is about. But I just want to put it in dollars signs. When your schools are laying off a teacher because of the increase in Workers' Comp costs. When your towns are stopping various services. When health care costs go up because of decisions we've made here, that's going to be a problem. So I would urge you to vote against the motion to Recede and Concur. Thank you.

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

Senator **SAWYER:** Thank you, Mr. President, ladies and gentlemen of the Senate. I guess I'll try to heed the immediate speaker's admission and not go into the great detail that I thought about. Let me just suggest that a few moments ago we killed a bill that I was, frankly, very fond of and that was to include the university system, the Technical Colleges, and the Maine Maritime Academy in the Green Government Initiative, which I believe should have been a crucial piece of Maine public policy.

We killed it in large part because it was too expensive. I've asked for the information. I've not received that information back. But I want to assure you that the cost of our failure to pass a revenue neutral Workers' Comp bill will cause the expense or the proposed expense of compliance with the Green Government Initiative to pale compared to the cost of Workers' Comp at those institutions that I just listed. Thank you very much.

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

Senator **GAGNON:** Mr. President, may I pose a question through the chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **GAGNON:** Mr. President, it is my understanding that the position of this bill is that now we are in non-concurrence, so our options are to either concur and pass this bill or stay in non-concurrence, in which the bill dies and Kotch is not over ruled. Is that correct?

**THE PRESIDENT:** The Senator will restate his question.

Senator **GAGNON:** It's my understanding that, in the current position, with the bill before us, our options are to either Recede and Concur, which would overturn Kotch, or to do something different, which we're in non-concurrence and the bill would die and Kotch would not be overturned. Is that correct?

**THE PRESIDENT:** The Chair would answer in the negative. The motion before us is to Recede and Concur. That does not preclude other motions.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Edmonds 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.

---

The Chair noted the absence of the Senator from Aroostook, Senator **KNEELAND** and further excused the same Senator from voting on this matter.

---

#### ROLL CALL (#336)

YEAS: Senators: BRENNAN, BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, GAGNON, LAFOUNTAIN, MARTIN, MICHAUD, MILLS, RAND, ROTUNDO, TREAT

**NAYS:** Senators: CARPENTER, DAVIS, FERGUSON, GOLDTHWAIT, KILKELLY, LEMONT, MCALEVEY, O'GARA, PENDLETON, SAVAGE, SAWYER, SHOREY, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

**ABSENT:** Senators: LONGLEY, MITCHELL, NUTTING

**EXCUSED:** Senator: KNEELAND

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator EDMONDS of Cumberland to **RECEDE AND CONCUR, FAILED.**

Senator **KILKELLY** of Lincoln moved the Senate **RECEDE.**

The same Senator moved to **TABLE** until Later in Today's Session, pending the motion by same Senator to **RECEDE.**

The Chair ordered a Division. 28 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **KILKELLY** of Lincoln to **TABLE** until Later in Today's Session, pending the motion by same Senator to **RECEDE, PREVAILED.**

---

#### ORDERS OF THE DAY

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

An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative

H.P. 1642 L.D. 2145  
(C "A" H-1047)

Tabled - April 9, 2002, by Senator **TREAT** of Kennebec

Pending - motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**

(In Senate, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H- 1047)**, in concurrence.)

(In House, April 3, 2002, **PASSED TO BE ENACTED.**)

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

Senator **MARTIN:** Thank you very much, Mr. President, members of the Senate. This particular bill came before the Natural Resources Committee. It had a unanimous committee report. It does not contain any appropriation. Some may suggest that it has a future cost. As a matter of fact, if the facts are known, it actually will decrease the cost of operating the University of Maine System and the Vocational Technical

Colleges. The bill requires that the university system spend roughly \$300,000 for the purpose of doing audits. Now this is not a financial audit. It's an audit to determine whether or not something is being run efficiently. For example, an audit on lighting. As a matter of fact, I know a number of them have been done in some parts of the system which has resulted in a 20 percent to 30 percent reduction in the use of electricity by the replacement of bulbs to another kind of electrical bulb. So it provides just the opposite. So there is no future cost. There is a provision in the bill that says that if, in fact, the university should ever need more, they have to come ask. We're not asking them to take more money over time out of their operating funds to do this. We're basically saying we want this done in order to save money. So it has no future cost. It actually has a decreased cost. It has a savings. I have no idea why it is in the Appropriations Committee. It didn't go to the Appropriations Committee. It came to the Natural Recourses Committee. It was a unanimous report. I understand why a committee likes to grab everything. I'm one of those. I make no apology for it, I guess. But in this instance, it is a savings. It is not a future cost nor is it a present cost. So I would urge you all to vote against the motion to Indefinitely Postpone.

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. The reason that this bill was referred to the Appropriations Committee table is because, according to the bill itself, it does have a significant cost. As we discussed this bill, we learned the following: as the good Senator from Aroostook, Senator Martin, described, it will cost the university, it says in the language of the fiscal note, not more than \$300,000. That is the anticipated cost of this audit to make sure that the university is doing their best to be environmentally aware and that is certainly a good thing. However, this is the same university that came to us this year and said they needed \$9 million to fund their increased health insurance costs. It is the same university that came to us this year and said they need \$9 million for two advanced technology centers. It is the same university that came to us this year requesting money for a number of other projects in other areas. Indeed, I support higher education. I was happy to support funding for many of those initiatives. Because there were so many and because the overall amount was so great, it seemed to me, and to most of my colleagues on the committee, that it was quite a mystery to us that the university could now find \$300,000 to fund these audits. Not only that, here is the language of the fiscal note, 'the bill requires the University of Maine System to implement the clean government initiative utilizing existing budgeted resources of not more than \$300,000.' The university estimates the cost to fully implement the initiative to be \$1,927,000. The bill specifies that if the university is not able to fully comply with the audit provisions after expending \$300,000 of its existing budgeted resources, the university must include a request to fund all remaining tasks in the required report. It doesn't quite specify who that request will go to, but you know who that will be. So here we have a university who has alleged that they are short of money to the extent that they will have to raise tuition unless they are helped out by the taxpayers of the State of Maine, who is now able to find \$300,000 to fund this initiative. It is certainly an initiative that they are free to undertake without legislation, if they have the money and chose to do so. There is no reason that I can see why we need to be

passing a bill to allow them to undertake a program that they think would be of some value, and perhaps in the long run, save them some money. But apparently saving that money is going to cost an initial \$300,000 and an additional \$1,927,000. So it is not only the fact that, given the many requests from the university for funding this year, they were not able to find \$300,000 somewhere for this initiative, but also the anticipation, and in fact, the statement of the university that they will probably be back next year asking for the \$1,927,000 to continue to implement this initiative because if they didn't, what is the point of spending the \$300,000? Why are we saying that we're going to spend \$300,000 but then if we don't have the \$1,927,000 we'll just stop there. It makes no sense to me to be entering this path if we don't intend to follow through and spend the \$1, 927,000. So why don't we simply avoid the issue by not spending the \$300,000. That is why my colleagues and I voted against this bill and why I will continue to do so. Thank you.

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

Senator **MARTIN:** Thank you, Mr. President, members of the Senate. I've been trying very hard to find the particular reference to which the good Senator has been referring to. For the benefit of the members, let me just illustrate how this system works and how we've done it. In the university system, and I suspect even in business, the audit reflects what the savings happen to be. You then go out and you borrow the money over a 10-year or 20-year period. That accrues the savings for every year. So you actually go to industry itself, Sylvania or whoever as an illustration, and they put it in and they generate the savings. You take the savings differential and pay for it. When you look at the cost, that is exactly what that refers to. So there is a thorough and direct savings. It is immediate and it is long term. It has been done. It is being done all over. To the question of why do we have to tell them why? That is a very good question. I wish I could answer that one. But it is no different than what we did with the State of Maine. I can't remember when, but a number of years ago now, the state wasn't doing it. So we passed a bill. By the way, that is what this is. The university would become part of that. We're not creating a new entity here, we're simply adding the university and technical colleges, and Maine Maritime, into that program that the state is now on which has resulted in tremendous savings. So we're not creating a new entity. We've not doing anything out of the ordinary. The savings is long-term. It is immediate, and unfortunately, requires that someone take action. I will say that it is the same Appropriations Committee that turned down the university for the health care money. So I suspect the next trip around it will be the same Appropriations Committee, if the university comes in for more money, that will turn that down as well. I urge you to vote against the motion to indefinitely postpone.

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

Senator **TREAT:** Thank you, Mr. President, men and women of the Senate. I also would urge that you oppose the pending motion and I would like to just give you a tiny bit of background on this bill. As the good Senator from Aroostook, Senator Martin, has stated, this is an amendment of a piece of legislation that was enacted quite recently, actually I think over the past year, where we set in place the Clean Government Initiative that

required state government to look at its own operations and see whether they were really as environmental as they ought to be, whether the mercury lamps should be staying there since we are telling folks to reduce mercury, whether there ought to be better insulation, whether we might be able to save some money with energy costs. State government, to its credit, came to the Natural Resources Committee and said, 'we're not going to put some big fiscal note on this to try to kill it because we think it's a good thing to do, it's the right thing to do, and ultimately it's going to save money.' So as a result, and you all know how fiscal notes come about, that initiative went into effect. It was supported. I don't think that there was much opposition to it. It flew through this place. The Department of Administrative and Financial Services and DEP have, together, been working very cooperatively to come up with some procurement guidelines. Looking at what kind of cars we buy. Can we have higher gas mileage. Things like that. They have already gone a long way towards providing information that would be available to the university system. For whatever reason, the university system has been quite slow to jump on this band wagon. I can say, in my other life, I am the coordinator of Environmental Studies at one of our private institutions and I have met with college faculty, university faculty, from around the state on these issues. For whatever reason, the university system has been quite slow to do this. I believe it is for that reason that this bill came forward, not from the administration of the university to try to get more money, but from students and faculty and staff who are interested in seeing our university system perform better. It's really a competitive issue. I know that at the college that I teach, it is a matter for our environmental study students. They are comparing our colleges with the colleges in other states to see which of them are environmental. It is something that is encouraging students to go to one place or to another. It is something that gives a college or university a competitive advantage. Just from our perspective, I truly believe it is going to save money. The only reason this fiscal note is here is that there was opposition to doing this bill. When this bill showed up on the list of bills on the table, the cost next to this particular one was zero because that is most likely what the cost will be. Obviously, a requirement that someone come forward and request money is not, in fact, a granting of that request. We all know that to be the case. I'll just give you one little example, from my own personal experience working at this other college. We voluntarily, it is true, decided to look at these issues and one of the issues we were looking at was energy use. We said, 'let's find out how much energy is used in computers that seem to be on all the time?' Indeed, we found out that a tremendous amount of energy is used by having those screen savers. In fact, I've happen to see one in my eyesight right now on someone's desk that has little fish swimming around. That is using a lot of energy. We researched this and found out that if all the computers were programmed to just sort of go to sleep when you stopped using them for a while, that would save about \$50,000 and a great deal of energy. That is just one small example. All this bill is asking is that the university system look at its own operations and come back with proposals about how to address those concerns. It's a very good bill. There is a reason it got the unanimous support of the entire Natural Resources Committee. It should be passed and I hope that you will defeat the pending motion.

The Chair ordered a Division.

On motion by gold 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 Chair noted the absence of the Senator from Aroostook, Senator **KNEELAND** and further excused the same Senator from voting on this matter.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#337)**

YEAS: Senators: CARPENTER, DAVIS, GOLDTHWAIT, LEMONT, MILLS, SAVAGE, SMALL, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senators: BRENNAN, BROMLEY, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, KILKELLY, LAFOUNTAIN, MARTIN, MCALEVEY, MICHAUD, O'GARA, PENDLETON, RAND, ROTUNDO, SAWYER, SHOREY, TREAT

ABSENT: Senators: LONGLEY, MITCHELL, NUTTING

EXCUSED: Senator: KNEELAND

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 3 Senators being absent and 1 Senator being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

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

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

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

Off Record Remarks

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

On motion by Senator **SMALL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Act**

An Act to Increase the Workers' Compensation Insurance Assessment to Fund a Hearing Officer Position

H.P. 1548 L.D. 2051  
(S "A" S-589)

At the request of Senator **TURNER** of Cumberland a Division was had. 18 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers

H.P. 1628 L.D. 2128  
(H "C" H-1108 to C "A" H-1080)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and 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:

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham

H.P. 1629 L.D. 2129  
(H "A" H-1110)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with 3 Senators having voted in the negative, and 29 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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:

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$34,970,000 to Stimulate Job Growth in Maine, to Renovate Certain State Facilities and to Promote Homeland Security and Tourism

S.P. 785 L.D. 2130  
(H "B" H-1107 to C "A" S-561)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, and 31 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Amend the County Jail Prisoner Support and Community Corrections Fund"

S.P. 810 L.D. 2175  
(S "A" S-602)

In Senate, April 8, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-602)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-602) AND HOUSE AMENDMENT "A" (H-1115)**, in **NON-CONCURRENCE**.

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

---

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

**COMMUNICATIONS**

The Following Communication: H.C. 458

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

April 9, 2002

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores

(H.P. 1623) (L.D. 2123)

Representative TUTTLE of Sanford  
Representative PATRICK of Rumford  
Representative MAYO of Bath

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

---

Off Record Remarks

---

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

**SENATE PAPERS**

Bill "An Act to Address the Cash Flow and Funding Needs of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003"

S.P. 834 L.D. 2215

Sponsored by Senator GOLDTHWAIT of Hancock.  
(GOVERNOR'S BILL)  
Cosponsored by Representative BERRY of Livermore and  
Senators: CATHCART of Penobscot, MILLS of Somerset,  
Representative: NASS of Acton.

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

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

Under suspension of the Rules, ordered sent down forthwith for 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 Amend the County Jail Prisoner Support and Community Corrections Fund"

S.P. 810 L.D. 2175  
(S "A" S-602)

Tabled - April 9, 2002, by President Pro Tem **MICHAUD** of Penobscot

Pending - **FURTHER CONSIDERATION**

(In Senate, April 8, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-602)**, in **NON-CONCURRENCE**.)

(In House, April 9, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-602) AND HOUSE AMENDMENT "A" (H-1115)**, in **NON-CONCURRENCE**.)

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

---

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:

**ENACTORS**

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$24,100,000 for Water Pollution Control, Drinking Water, Water for Crops and Fish-rearing Facilities, to Clean up Hazardous Substances and Tire Stockpiles, Promote Public Geographic Data, Recapitalize the Potato Marketing Fund and Capitalize the Dam Repair Fund

S.P. 783 L.D. 2120  
(CC "A" S-607)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

Senator **DOUGLASS** of Androscoggin was granted unanimous consent to address the Senate off the Record.

---

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

---

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

---

On motion by Senator **SMALL** of Sagadahoc, **RECESSED** until 7:30 in the evening.

After Recess

Senate called to order by the President.

---

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Committee of Conference**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Supplement Maine's Academic Attainment and to Retain Talent"  
H.P. 1655 L.D. 2162

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

That the Senate **RECEDE** from Passage to be Engrossed as Amended by Committee Amendment "A" (H-1055) as Amended by Senate Amendment "A" (S-558) thereto, in **NON-CONCURRENCE**.

That the Senate **RECEDE** from Adoption of Committee Amendment "A" (H-1055) as Amended by Senate Amendment "A" (S-558) thereto.

That the Senate **RECEDE** from Adoption of Senate Amendment "A" (S-558) to Committee Amendment "A" (S-558) and Indefinitely Postpone Senate Amendment "A" (S-558).

That Conference Committee Amendment "A" (S-616) to Committee Amendment "A" (H-1055) be **READ** and **ADOPTED**. Committee Amendment "A" (H-1055) as Amended by Conference Committee Amendment "A" (S-616) thereto, be **ADOPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (S-616)** thereto.

That the House **RECEDE** and **CONCUR** with the Senate.

On the Part of the Senate:

President **BENNETT** of Oxford  
Senator **GAGNON** of Kennebec  
Senator **MITCHELL** of Penobscot

On the Part of the House:

Representative **GREEN** of Monmouth  
Representative **McLAUGHLIN** of Cape Elizabeth  
Representative **MURPHY** of Kennebunk

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

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

The Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY SENATE AMENDMENT "A" (S-558)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** from whereby it **ADOPTED** Committee Amendment "A" (H-1055) as Amended by Senate Amendment "A" (S-558) thereto.

The Senate **RECEDED** from whereby it **ADOPTED** Senate Amendment "A" (S-558) to Committee Amendment "A" (H-1055).

The Senate **INDEFINITELY POSTPONED** Senate Amendment "A" (S-558) Committee Amendment "A" (H-1055).

Committee of Conference Amendment "A" (S-616) to Committee Amendment "A" (H-1055) **READ** and **ADOPTED**.

Committee Amendment "A" (H-1055) as Amended by Conference Committee Amendment "A" (S-616) thereto, **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A" (S-616)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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  
(S "B" S-613 to C "A" H-1045)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President. I rise due to my concerns about the funding source for this bill, which comes from the risk management pool. This is not an accepted purpose of the use of this fund. The last time we used funds of this nature for an incorrect purpose, namely the retirement fund, it cost us \$11 million in federal fines; for the health insurance premium

fund, the state was fined \$1 million to \$2 million several times for improper use of a fund that contained federal money. I am afraid we are putting ourselves in the same jeopardy by using this fund. I'm sympathetic to the issue. The issue has never been the preview of the Appropriations Committee. It is simply how to get this bill funded at this point. This is not only not a solution, it is a solution that puts the state in jeopardy and at some financial risk. So I would urge you to vote against the pending motion for enactment.

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

---

Senator **MARTIN** of Aroostook moved the Senate extend until 10:00 in the evening, pursuant to Senate Rule 514.

The Chair ordered a Division.

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

---

Senate at Ease.

Senate called to order by the President.

---

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

---

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#338)**

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

NAYS: Senators: None

ABSENT: Senators: LONGLEY, MITCHELL

EXCUSED: Senator: KNEELAND

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **MARTIN** of Aroostook to extend until 10:00 p.m., pursuant to Senate Rule 514, **PREVAILED**.

---

President Pro Tem **MICHAUD** of Penobscot moved the Senate extend until 10:30 in the evening, pursuant to Senate Rule 514.

The Chair ordered a Division. 32 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by President Pro Tem **MICHAUD** of Penobscot to extend until 10:30 in the evening, pursuant to Senate Rule 514, **PREVAILED**.

---

Off Record Remarks

---

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

Senator **CATHCART:** Thank you, Mr. President, men and women of the Senate. I have been a strong supporter of the resolve to allow Julie Harrington to sue to the state. I think that she was wronged by the state and really deserves this. But like the Senator from Hancock, Senator Goldthwait, I'm quite concerned about the funding source, the risk management fund. I would suggest that we not pass this resolve, but that we reject it and find an opportunity to get another funding source. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Final Passage. 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 (#339)**

YEAS: Senators: BRENNAN, BROMLEY, DAVIS, DOUGLASS, EDMONDS, KILKELLY, LAFOUNTAIN, MCALEVEY, MICHAUD, RAND, SAWYER, SMALL, WOODCOCK, YOUNGBLOOD

NAYS: Senators: CARPENTER, CATHCART, DAGGETT, FERGUSON, GAGNON, GOLDTHWAIT, LEMONT, MARTIN, MILLS, NUTTING, O'GARA, PENDLETON, ROTUNDO, SAVAGE, SHOREY, TREAT, TURNER, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: LONGLEY, MITCHELL

EXCUSED: Senator: KNEELAND

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, **FAILED FINAL PASSAGE**.

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:

SENATE REPORT - from the Committee on **TAXATION** on Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire (EMERGENCY)

S.P. 825 L.D. 2205

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-615)**

Tabled - April 9, 2002, by Senator **DAVIS** of Piscataquis

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 9, 2002, Report **READ**.)

Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-615) **READ** and **ADOPTED**.

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

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-620) **READ**.

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

Senator **MARTIN:** Thank you, Mr. President. The amendment now uses the state valuation rather than the municipal valuation for the computation.

On further motion by same Senator, Senate Amendment "A" (S-620) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-615) AND SENATE AMENDMENT "A" (S-620)**.

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:

**Act**

An Act to Amend the County Jail Prisoner Support and Community Corrections Fund

S.P. 810 L.D. 2175  
(H "A" H-1115; S "A" S-602)

**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, 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:

**ENACTORS**

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

**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  
H.P. 1637 L.D. 2140  
(S "B" S-608 to C "A" H-1046)

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

---

Senate at Ease.

Senate called to order by the President.

---

Off Record Remarks

---

**ORDERS OF THE DAY**

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

**Emergency Measure**

An Act to Support a Continuum of Quality Long-term Care Services

S.P. 722 L.D. 1924  
(H "B" H-1102 to C "A" S-523)

Tabled - April 8, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523) AS AMENDED BY HOUSE AMENDMENT "B" H-1102** thereto, in concurrence.)

(In House, April 8, 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" (S-523) AS AMENDED BY HOUSE AMENDMENT "B" (H-1102)** 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" (S-523) as Amended by House Amendment "B" (H-1102) 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-1102) to Committee Amendment "A" (S-523) and **INDEFINITELY POSTPONED** the same, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "A" (S-611) to Committee Amendment "A" (S-523) **READ** and **ADOPTED.**

Committee Amendment "A" (S-523) as Amended by Senate Amendment "A" (S-611) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-523) AS AMENDED BY SENATE AMENDMENT "A" (S-611)** 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 Implement the Recommendations of the Commission to Study Domestic Violence

H.P. 1658 L.D. 2163  
(C "A" H-883)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, March 25, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883)**, in concurrence.)

(In House, April 1, 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-883)**.

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-883), in concurrence.

On further motion by same Senator, Senate Amendment "C" (S-617) to Committee Amendment "A" (H-883) **READ** and **ADOPTED.**

Committee Amendment "A" (H-883) as Amended by Senate Amendment "C" (S-617) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-883) AS AMENDED BY SENATE AMENDMENT "C" (S-617)** 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:

**Emergency Measure**

An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers

S.P. 819 L.D. 2199  
(C "A" S-521)

Tabled - April 3, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-521).**)

(In House, April 3, 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" (S-521).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-521).

On further motion by same Senator, Senate Amendment "A" (S-618) to Committee Amendment "A" (S-521) **READ** and **ADOPTED.**

Committee Amendment "A" (S-521) as Amended by Senate Amendment "A" (S-618) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-521) AS AMENDED BY SENATE AMENDMENT "A" (S-618)** thereto, in **NON-CONCURRENCE.**

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

---

Off Record Remarks

---

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

An Act to Promote the Fiscal Sustainability of the Highway Fund  
H.P. 1516 L.D. 2020  
(C "A" H-1042)

Tabled - April 9, 2002, by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1042)**, in concurrence.)

(In House, April 9, 2002, **PASSED TO BE ENACTED.**)

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

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

Senator **SAVAGE:** Thank you, Mr. President, friends in the Senate. I don't need to go through everything that I repeated to you when we talked about this earlier. I've heard all kinds of ideas floating out there the last couple of days. 'I would vote for this if we could remove the State Police from the Highway Fund.' But we're not going to. That would take General Fund money. 'Well, why don't we take some sales tax?' Again, General Fund money. Every time you take General Fund money, something else has to be cut. To me that is not an option. I've been told that my constituents won't like this. Well, my remark to that is, my constituents will respect me for doing the responsible thing. I believe that, wholeheartedly. I'm not a gambler, I'm not willing to gamble on the projects that are planned for the State of Maine. Maybe you are, I'm not. I just ask for your support for the people and road and bridges in the State of Maine. Thank you.

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

Senator **MCALLEVEY:** Thank you, Mr. President, men and women of the Senate. The only thing that I would like to say is that my constituents will respect me for trying to keep their taxes down.

**THE PRESIDENT:** The pending question before the Senate is Final Enactment. 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 (#340)**

**YEAS:** Senators: **BRENNAN, BROMLEY, CARPENTER, CATHCART, DAGGETT, EDMONDS, GAGNON, GOLDTHWAIT, KILKELLY, MARTIN, MILLS, NUTTING, O'GARA, PENDLETON, RAND, SAVAGE, SHOREY**

**NAYS:** Senators: **DAVIS, DOUGLASS, FERGUSON, LAFOUNTAIN, LEMONT, MCALLEVEY, MICHAUD, ROTUNDO, SAWYER, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT**

**ABSENT:** Senators: **LONGLEY, MITCHELL**

**EXCUSED:** Senator: **KNEELAND**

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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

An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

H.P. 1575 L.D. 2081  
(C "A" H-1054)

Tabled - April 9, 2002, by Senator **SAVAGE** of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, April 2, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1054)**, in concurrence.)

(In House, April 9, 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.

---

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

**Emergency Measure**

An Act to Enhance Economic Development Capacity  
S.P. 337 L.D. 1144  
(C "B" S-517)

Tabled - April 2, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-517)**.)

(In House, April 2, 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 "B" (S-517)**.

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 "B" (S-517).

On further motion by same Senator, Senate Amendment "A" (S-621) to Committee Amendment "B" (S-517) **READ** and **ADOPTED**.

Committee Amendment "B" (S-517) as Amended by Senate Amendment "A" (S-621) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-517) AS AMENDED BY SENATE AMENDMENT "A" (S-621)** 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.

---

President Pro Tem **MICHAUD** of Penobscot moved the Senate extend until 11:00 in the evening, pursuant to Senate Rule 514.

The Chair ordered a Division. 23 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by President Pro Tem **MICHAUD** of Penobscot to extend until 11:00 in the evening, pursuant to Senate Rule 514, **PREVAILED**.

---

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

**REPORTS OF COMMITTEES**

**House**

**Committee of Conference**

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

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



That they are **UNABLE TO AGREE**.

On the Part of the Senate:

Senator McALEVEY of York  
Senator O'GARA of Cumberland  
Senator DAVIS of Piscataquis

On the Part of the House:

Representative MITCHELL of Vassalboro  
Representative SAVAGE of Buxton  
Representative MENDROS of Lewiston

Comes from the House with the Committee of Conference Report  
**READ** and **ACCEPTED**

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

---

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

**ENACTORS**

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

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$25,400,000 for Economic Development

H.P. 1691 L.D. 2190  
(S "A" S-490)

Comes from the House, Bill and accompanying papers  
**INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

---

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Biomedical Research and Development Equipment and Infrastructure

H.P. 1696 L.D. 2194  
(H "A" H-1004)

Comes from the House, Bill and accompanying papers  
**INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

---

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Construction of a Civic Center and Auditorium in Eastern Central Maine

H.P. 1690 L.D. 2189  
(S "A" S-489)

Comes from the House, Bill and accompanying papers  
**INDEFINITELY POSTPONED**.

Senator **SMALL** of Sagadahoc moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#341)**

YEAS: Senators: BROMLEY, CARPENTER, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, MILLS, ROTUNDO, SAVAGE, TREAT, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senators: BRENNAN, CATHCART, DAVIS, GAGNON, KILKELLY, LEMONT, MARTIN, MCALEVEY, MICHAUD, NUTTING, O'GARA, PENDLETON, RAND, SAWYER, SHOREY, SMALL, YOUNGBLOOD

ABSENT: Senators: LONGLEY, MITCHELL

EXCUSED: Senator: KNEELAND

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **SMALL** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **FAILED**.

The pending question before the Senate is **ENACTMENT**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#342)**

YEAS: Senators: BRENNAN, CATHCART, DAVIS, GAGNON, KILKELLY, LEMONT, MARTIN, MCALEVEY, MICHAUD, NUTTING, O'GARA, SAWYER, SHOREY, SMALL, YOUNGBLOOD

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 9, 2002

NAYS: Senators: BROMLEY, CARPENTER, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, MILLS, PENDLETON, RAND, ROTUNDO, SAVAGE, TREAT, TURNER, WOODCOCK, THE PRESIDENT - RICHARD A. BENNETT

ABSENT: Senators: LONGLEY, MITCHELL

EXCUSED: Senator: KNEELAND

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, **FAILED ENACTMENT.**

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

**Act**

An Act to Address the Cash Flow and Funding Needs of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

S.P. 834 L.D. 2215

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

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

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

**ENACTORS**

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

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

**Act**

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

H.P. 1644 L.D. 2149

(S "B" S-614 to C "A" H-1078)

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

Off Record Remarks

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.

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.

President Pro Tem **MICHAUD** of Penobscot moved the Senate extend until 12:06 in the morning, pursuant to Senate Rule 514.

President Pro Tem **MICHAUD** of Penobscot moved the Senate extend until 12:30 in the morning, pursuant to Senate Rule 514.

The Chair ordered a Division. 31 Senators having voted in the affirmative and 1 Senators having voted in the negative, the motion by President Pro Tem **MICHAUD** of Penobscot to extend until 12:06 in the morning, pursuant to Senate Rule 514, **PREVAILED.**

The Chair ordered a Division. 29 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by President Pro Tem **MICHAUD** of Penobscot to extend until 12:30 in the morning, pursuant to Senate Rule 514, **PREVAILED.**

The Senate extended until 12:06 in the morning, pursuant to Senate Rule 514.

The following proceedings were conducted after 12:01a.m., Wednesday, April 10, 2002.

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

**ENACTORS**

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

**ENACTORS**

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

**Emergency Measure**

An Act to Support a Continuum of Quality Long-term Care Services

S.P. 722 L.D. 1924  
(S "A" S-611 to C "A" S-523)

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

**Acts**

An Act to Implement the Recommendations of the Commission to Study Domestic Violence

H.P. 1658 L.D. 2163  
(S "C" S-617 to C "A" H-883)

An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers

S.P. 819 L.D. 2199  
(S "A" S-618 to C "A" S-521)

**PASSED TO BE ENACTED** and having been signed by the President were 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 Supplement Maine's Academic Attainment and to Retain Talent

H.P. 1655 L.D. 2162  
(CC "A" S-616 to C "A" H-1055)

**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, on motion by Senator **DAGGETT** of Kennebec, H.P. 1629 L.D. 2129, "An Act to Authorize a General Fund Bond Issue in the Amount of \$43,000,000 to Improve Homeland Security in Maine, to Renovate a State Office Facility, to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham," was ordered sent forthwith to the Governor.

**ORDERS OF THE DAY**

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

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  
(C "B" S-575; S "A" S-609 to H "A" H-1101)

Tabled - April 9, 2002, by Senator **KILKELLY** of Lincoln

Pending - motion by same Senator to **RECEDE**

(In House, April 6, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1101)**, in **NON-CONCURRENCE**.)

(In Senate, April 8, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-575) AND HOUSE AMENDMENT "A" (H-1101) AS AMENDED BY SENATE AMENDMENT "A" (S-609)** thereto, in **NON-CONCURRENCE**.)

(In House, April 9, 2002, that Body **ADHERED**.)

On motion by Senator **KILKELLY** of Lincoln, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-575) AND HOUSE AMENDMENT "A" (H-1101) AS AMENDED BY SENATE AMENDMENT "A" (S-609)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED HOUSE AMENDMENT "A" (H-1101) AS AMENDED BY SENATE AMENDMENT "A" (S-609)**, thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "A" (S-609) TO HOUSE AMENDMENT "A" (H-1101)** and **INDEFINITELY POSTPONED SENATE AMENDMENT "A" (S-609) TO HOUSE AMENDMENT "A" (H-1101)**.

On further motion by same Senator, Senate Amendment "B" (S-622) to House Amendment "A" (H-1101) **READ**.

The same Senator moved to **TABLE** until Later in Today's Session, pending the motion by same Senator to **ADOPT** Senate Amendment "B" (S-622) to House Amendment "A" (H-1101).

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 (#343)**

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

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

**ABSENT:** Senators: LONGLEY, MITCHELL

**EXCUSED:** Senator: KNEELAND

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **KILKELLY** of Lincoln to **TABLE** until Later in Today's Session, pending the motion by same Senator to **ADOPT** Senate Amendment "B" (S-622) to House Amendment "A" (H-1101), **PREVAILED**.

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

**ENACTORS**

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

**Mandate**

Resolve, to Adjust the Valuation of St. John Plantation as a Result of a Fire

S.P. 825 L.D. 2205  
(C "A" S-615; S "A" S-620)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

**Act**

An Act to Enhance Economic Development Capacity  
S.P. 337 L.D. 1144  
(S "A" S-621 to C "B" S-517)

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

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1737

**ORDERED**, the Senate concurring, that when the House and Senate adjourn, they do so until Wednesday, April 24, 2002, at 10 o'clock in the morning.

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

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

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

**Off Record Remarks**

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

**Off Record Remarks**

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

LEGISLATIVE RECORD - SENATE, WEDNESDAY, APRIL 10, 2002

Senator **BRENNAN**: Thank you, Mr. President, men and women of the Senate. It is my understanding that the President of the Senate will be running in the Boston Marathon on Monday and I want to extend my good wishes and hope that you finish in an equidistant manner.

---

On motion by President Pro Tem **MICHAUD** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, to Wednesday, April 24, 2002, at 10:00 in the morning.