

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

In Senate Chamber  
Thursday  
May 24, 2001

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

Prayer by Minister Jon Dillinger of the Church of Christ in Kittery.

**MINISTER DILLINGER:** Mr. President, Senators, I want to thank you for the privilege to be here this morning. I want to thank Senator Ken Lemont for the invitation. It's always my honor. I hold you all in very, very high regard. Would you please pray with me.

Our Father who art in heaven, hallowed be Thy name. We are so grateful for all of the prayers that You have answered and all of the blessings that You have given to each of us. We are awed by Your omniscience and Your omnipotence. We are humbled by Your mercy and are grateful for Your grace. We are thankful to You for the wonderful country in which we live and we are forever indebted to those who have given their lives for the freedoms that we experience. Father, may we not abuse our freedoms out of a sense of selfishness. May we not misuse our freedoms to the extent that we disgrace You. We are grateful for the talents that You have given to each of us and for the guiding hand in each of our lives. We are grateful for living in the beautiful State of Maine. Please, Father, may You be with these elected Senators and grant unto them discernment to make decisions that are just and right in Your sight. May You make easy passage of the laws that align themselves with Your perfect will. Father, may You defeat each and every effort that is in opposition to Your perfect will. Bless these Senators with wisdom to make the right decisions. Father, may the decisions made here today bring glory to You and may the decisions made here today be just for the people of Maine. Be with the President as he leads this body in a way that will bring glory to You. Be with each Senator here that they may work in a bi-partisan way. May integrity, honesty, courtesy, and prudence be ever present. Now, Father, as these Senators conduct the business of this day, hold each of them securely in the very hollow of Your hand. For the Senators who have special needs in their lives or in the lives of their families, may Your providence be that those needs be met. Be with their families as they have made sacrifices to be without them during these days while their loved ones are here in this place going about the business of this state. May the decisions made here today meet the needs of the people of this great state. May the decisions made here today truly make Maine a better place to live and a state that is in view and viewed by You as a righteous state. I ask now, Father, that You bless this body of Senators and be with each of them and their families this day. In Jesus' name I pray. Amen.

National Anthem performed by the Adelines of Waterville High School.

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

Doctor of the day, Marie Guay, D.O. of York.

Reading of the Journal of Wednesday, May 23, 2001.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Require the Destruction of Confiscated and Forfeited Handguns"

S.P. 209 L.D. 774  
(C "A" S-96; S "A" S-149)

In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96) AND SENATE AMENDMENT "A" (S-149).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96) AND SENATE AMENDMENT "A" (S-149) AS AMENDED BY HOUSE AMENDMENT "A" (H-486)** thereto, in **NON-CONCURRENCE.**

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

On motion by Senator **TURNER** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR.**

**COMMUNICATIONS**

The Following Communication: S.C. 308

**120<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

May 23, 2001

Honorable Joy J. O'Brien  
Secretary of the Senate  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Secretary O'Brien:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Enhance the Observance of Veterans' Holidays." (H.P. 937) (L.D. 1251)

Senator Shorey of Washington  
Senator Bromley of Cumberland  
Senator Youngblood of Penobscot

Sincerely,

S/Michael H. Michaud  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 309

**120<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

May 23, 2001

Honorable Joy J. O'Brien  
Secretary of the Senate  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Secretary O'Brien:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Make Refusing a Blood-alcohol Test a Crime." (S.P. 392) (L.D. 1288)

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

Sincerely,

S/Michael H. Michaud  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 312

**120<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

May 23, 2001

Honorable Joy J. O'Brien  
Secretary of the Senate  
120<sup>th</sup> Legislature

Augusta, ME 04333

Dear Secretary O'Brien:

Please be advised that I have appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison. (S.P. 311) (L.D. 1058)

President Pro Tempore Bennett of Oxford  
Senator Woodcock of Franklin  
Senator Kilkelly of Lincoln

Sincerely,

S/Michael H. Michaud  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: H.C. 278

**120<sup>TH</sup> LEGISLATURE  
HOUSE OF REPRESENTATIVES**

May 23, 2001

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

Dear Madam Secretary:

House Paper 74 Legislative Document 83 "An Act to Ban Permanent Replacement Workers in a Labor Dispute" having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Ninety-six voted in favor and forty-nine against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Facilitate the Creation of Boat Launch Sites in the Maine Land Use Regulation Commission's Jurisdiction"

S.P. 350 L.D. 1164

Reported that the same **Ought to Pass As Amended by Committee Amendment "B" (S-248)**.

Report **READ**.

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

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Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Increase the Debt Limit of the Calais School District Trustees"

S.P. 516 L.D. 1635

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-250)**.

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

**READ ONCE**.

Committee Amendment "A" (S-250) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-250)**.

Sent down for concurrence.

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Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Provide Pension Equity for Mental Health Workers"

S.P. 494 L.D. 1583

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-249)**.

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

**READ ONCE**.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-249)**.

Sent down for concurrence.

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**Divided Report  
Pursuant to Joint Order**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Amend the Clean Car Incentives Pilot Program" S.P. 629 L.D. 1813

Reported that the same **Ought to Pass**, pursuant to Joint Order (S.P. 586).  
Signed:

Senators:  
MARTIN of Aroostook  
SAWYER of Penobscot

Representatives:  
KOFFMAN of Bar Harbor  
COWGER of Hallowell  
DUPLESSIE of Westbrook  
TWOMEY of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-251)**, pursuant to Joint Order (S.P. 586).

Signed:

Representatives:  
ANNIS of Dover-Foxcroft  
TOBIN of Windham  
DAIGLE of Arundel  
CRABTREE of Hope

Reports **READ**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act to Pay for Cleanup of Contamination at a Waste Oil Disposal Site in Plymouth  
H.P. 1051 L.D. 1408  
(C "A" H-496)

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

**Emergency Measure**

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact  
S.P. 545 L.D. 1691

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

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

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**Acts**

An Act to Amend the Beano and Games of Chance Laws  
H.P. 407 L.D. 528  
(C "A" H-526)

An Act to Update the Name of the Department of Mental Health, Mental Retardation and Substance Abuse Services  
H.P. 1162 L.D. 1562  
(C "A" H-518)

An Act to Amend and Improve Education Laws  
H.P. 1212 L.D. 1644  
(C "A" H-523)

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

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An Act to Strengthen Maine's Economic Development Incentive Laws  
S.P. 95 L.D. 321  
(C "B" S-216)

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

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An Act to Establish a Lottery Game to Improve Purses for Maine Harness Racing and to Enhance Penalties for Use of Illegal Gambling Machines  
S.P. 480 L.D. 1544  
(C "A" S-228)

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

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**Resolve**

Resolve, to Establish the Commission to Study Ways to Improve Transportation for Senior Citizens and the Disabled  
S.P. 454 L.D. 1507  
(C "A" S-220)

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

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**ORDERS OF THE DAY**

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

Bill "An Act to Require the Destruction of Confiscated and Forfeited Handguns"  
S.P. 209 L.D. 774  
(C "A" S-96; S "A" S-149)

Tabled - May 24, 2001, by Senator **TURNER** of Cumberland

Pending - motion by Senator **RAND** of Cumberland to **RECEDE** and **CONCUR**

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96) AND SENATE AMENDMENT "A" (S-149).**)

(In House, May 23, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-96) AND SENATE AMENDMENT "A" (S-149) AS AMENDED BY HOUSE AMENDMENT "A" (H-486)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **RAND** of Cumberland, the Senate **RECEDED** and **CONCURRED.**

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The Chair laid before the Senate the following Tabled and Later (5/22/01) Assigned matter:

SENATE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Encourage Savings for Higher Education "  
S.P. 579 L.D. 1757

Report - **Ought to Pass**

Tabled - May 22, 2001, by Senator **SMALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 22, 2001, Report **READ.**)

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** 1 Legislative Day, pending **ACCEPTANCE OF REPORT.**

The Chair laid before the Senate the following Tabled and Later (5/23/01) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE** Bill "An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime" (EMERGENCY)  
S.P. 174 L.D. 602

Majority - **Ought to Pass** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 23, 2001, by Senator **MCALLEVEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, May 22, 2001, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In House, May 22, 2001, the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**)

On motion by Senator **DAVIS** of Piscataquis, the Senate **ADHERED.**

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (5/23/01) Assigned matter:

Bill "An Act to Further Reduce Mercury Emissions from Consumer Products"  
H.P. 1224 L.D. 1665  
(C "A" H-417; H "A" H-471)

Tabled - May 23, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - motion by Senator **MARTIN** of Aroostook to **ADOPT SENATE AMENDMENT "A" (S-247)**

(In House, May 15, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AND HOUSE AMENDMENT "A" (H-471).**)

(In Senate, May 23, 2001, Committee Amendment "A" (H-417) **READ** and **ADOPTED**, in concurrence. House Amendment "A" (H-471) **READ** and **ADOPTED**, in concurrence. **RULES SUSPENDED, READ A SECOND TIME.** On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-247) **READ.**)

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-247) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417); HOUSE AMENDMENT "A" (H-471) AND SENATE AMENDMENT "A" (S-247), in NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/23/01) Assigned matter:

SENATE REPORT - from the Committee on **NATURAL RESOURCES** on Bill "An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species " (EMERGENCY)

S.P. 630 L.D. 1812

Report - **Ought to Pass**, pursuant to Joint Order (S.P. 599)

Tabled - May 23, 2001, by Senator **CARPENTER** of York

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 23, 2001, Report **READ**.)

Report **ACCEPTED**.

**READ ONCE**.

**LATER TODAY ASSIGNED FOR SECOND READING.**

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/23/01) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

H.P. 603 L.D. 758

Majority - **Ought to Pass As Amended by Committee Amendment "A" (H-464)** (7 members)

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

Tabled - May 23, 2001, by Senator **SHOREY** of Washington

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 22, 2001, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AND HOUSE AMENDMENT "A" (H-541)**.)

(In Senate, May 23, 2001, Reports **READ**.)

Senator **SHOREY** of Washington moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **RAND:** Thank you, Mr. President. May I pose a question through the chair?

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

Senator **RAND:** To anyone who may answer, the Minority Ought Not to Pass Report is the motion. Could somebody explain to me what the Majority Ought to Pass Report does? It is my understanding that this bill would require that people who dispense drugs in a school environment to our children would have to have some type of training. If that is the case, I would urge people to vote in opposition to this motion, but if it isn't I would like an explanation please.

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

Senator **SHOREY:** Thank you, Mr. President, ladies and gentlemen of the Senate. You are somewhat correct but somewhat incorrect also. Currently what is happening is that the medication is being dispensed by people in the school after being trained by the school nurse. There is training going on. The people who are dispensing the medication are being trained by another party. What this bill would do is say that the people who are dispensing the medication, be it the secretary or whoever it might be, would have to leave the school and have to go for training to dispense the medications, to be able to read what medications are to go out. If I could go on, the reason I opposed it was as it's a mandate on the schools, basically. Saying that you have to take these people out of the school, send them off for separate training, and while they are gone on the training, replace them with people to do their functions. Currently the way it's working is the people that are dispensing the medications are being trained. They are being trained by the school nurses because the school nurses are trained in this. I didn't see that we needed to put the extra burden on the schools with the cost and also of losing those persons during those days when already the people who are dispensing the medication are being trained, they

are just not being trained first hand. They are being trained second hand to read the medication prescription bottles.

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

Senator **BROMLEY:** Thank you, Mr. President. Also in response to the question. The 119<sup>th</sup>, in its wisdom, enacted legislation to provide training for school personnel who are dispensing medication. What this bill does is clarify how that training happens. Currently what is happening is the department has pledged some resources in a train the trainer program to have the school nurses doing the training as the Senator from Washington, Senator Shorey, stated. The problem with that is then the school nurses' license is vulnerable. If the school nurse has the responsibility for providing this training, which obviously he or she in many cases, as in my system, would be unable to do because of their itinerant nature already in being in many schools with many responsibilities. This bill would simply say it is the department's responsibility to make sure that this training happens, not the school nurses' responsibility. It would be regional training. I suspect it would be a burden and difficult for the system, but an important burden.

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

Senator **ROTUNDO:** Thank you, Mr. President, men and women of the Senate. As the good Senator from Cumberland, Senator Bromley, stated, there was a bill passed in the last legislative session to address this issue. The law is just now starting to be implemented and I feel that we don't have enough information to now pass another bill. We need to see first whether or not this other law is working effectively and efficiently. We don't need another law at this point in time to address this issue. Thank you.

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

Senator **MITCHELL:** Thank you, Mr. President. Good morning, ladies and gentlemen of the Senate. I would agree with the good Senator from Washington, Senator Shorey, and the good Senator from Androscoggin, Senator Rotundo. This bill is not necessary because we do have a current law. When you assess and look at the implementation, we're talking about a majority of rural schools in our state, some of whom don't have school nurses. But the school nurses that they have in the districts are going around to the schools and training personnel adequately. They can dispense medications. For us to put this law into effect, it's a mandate saying that all of our schools would have to take their personnel out, take them off premises for training. This is not an economical bill. It's a mandate that is going to tell these superintendents and these principals that they are going to have to provide this training, they are going to have to provide substitute teachers to go in for the days for these people to be off premises. As Senator Rotundo from Androscoggin has stated to you, we're in the process of implementing last year's, the 119<sup>th</sup>. Currently they have the effort in motion. It's working, but yes, there are problems because the training is not being dispensed as quickly as possible. But they are working it into their curriculum as they have the nurses available. It will be in effect and it will be effective, we're assured, by the people who are managing these

school districts that they do not want to give prescription drugs to our students without knowing what they are doing. The teachers and people on the staff do not want to dispense medications without feeling comfortable about what they are doing. They do feel that there is adequate training and it will certainly suffice and we do not need another law trying to over-do what has already been put into law and we can certainly take care of the problems. I would appreciate you voting for the motion.

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

Senator **PENDLETON:** Thank you, Mr. President. Good morning, men and women of the Senate. I agree with the previous speakers and I hope you will vote Ought Not to Pass on this piece of legislation. Just a quick reminder from the history of this whole issue. I've been putting this bill in and I see my good colleague Senator Small from Sagadahoc smiling because she remembers, I think, 10 or 15 years ago when we tried this little scheme. It never worked because the way the bill is written it is asking for licensed personnel to be there, on the spot, giving the medication. As was previously mentioned, it is a mandate and it is a very difficult mandate for us to be able to take care of. What we did in the 119<sup>th</sup> was to pass a bill with the training. There is a standard curriculum for this training. The standard curriculum is available for any of you to see. It was put together by a group of nurses, educators, and physicians. I hope that you will vote Ought Not to Pass and let the legislation that passed in the 119<sup>th</sup> at least take effect before we try to change things. Thank you.

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

Senator **BROMLEY:** Before we vote on this I would just like to tell you something that happened yesterday in Bowdoinham. The school nurse quit. I'll tell you why she quit. A parent came in with an herb bottle with medication in it for her son. The nurse happened to be there, just happened to be there, and said 'oops, we can't dispense medication unless it's in the medicine bottle with the prescription on it.' The secretary was there. The parent made a compelling case that the child needed the medication that day and if they could just let this happen this one day. The nurse said 'okay, but tomorrow it has to come in the real bottle.' The secretary let the nurse know later on that the parent said 'I don't have that bottle, I'm not going to bring in that bottle. The nurse won't be here tomorrow anyway.' I just want you to know that this is one other thing that we have put on the nurses. That nurse's license is on the line because she is responsible. In this case she was responsible for providing that training, not the department, and she said her license was more valuable than that job. She chose to quit. Just so you know. We're not asking for a new law, we're asking for the responsibility to be taken off the nurses and put on the department. Thank you.

The Chair ordered a Division. 25 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **SHOREY** of Washington to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

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Off Record Remarks

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

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

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act Regarding Uninsured Drivers"

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

Report - **Ought to Pass As Amended by Committee Amendment "A" (S-144)**

In Senate, May 8, 2001, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-144)**.

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

On motion by Senator **SAVAGE** of Knox, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel" (EMERGENCY) H.P. 1295 L.D. 1765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532).**

Signed:

Senators:

MITCHELL of Penobscot  
NUTTING of Androscoggin  
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison  
DESMOND of Mapleton  
ESTES of Kittery  
CUMMINGS of Portland  
STEDMAN of Hartland  
ANDREWS of York  
WESTON of Montville  
LEDWIN of Holden

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

Signed:

Representatives:

WATSON of Farmingdale  
SKOGLUND of St. George

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-553) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto.

Reports **READ.**

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 60: New

School Siting Approval, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1322 L.D. 1783

Reported that the same **Ought to Pass.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board of Education (EMERGENCY)

H.P. 1345 L.D. 1802

Reported that the same **Ought to Pass.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services"

H.P. 601 L.D. 756

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-580).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580).**

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

**READ ONCE.**

Committee Amendment "A" (H-580) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580)**, in concurrence.

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill  
"An Act to Alleviate the Shortage of Pediatric Dentists in Maine"  
H.P. 902 L.D. 1194

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-579)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579)**.

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

**READ ONCE.**

Committee Amendment "A" (H-579) **READ** and **ADOPTED**, in concurrence.  
Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Authorizing Patients to Designate Visitors"  
H.P. 1160 L.D. 1560

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-578)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)**.

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

**READ ONCE.**

Committee Amendment "A" (H-578) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)**, in concurrence.

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The Committee on **LABOR** on Bill "An Act to Allow County Corrections Personnel to Participate in the Same Retirement Plan as Other Corrections Personnel" (EMERGENCY)  
H.P. 963 L.D. 1276

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-568)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568)**.

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

**READ ONCE.**

Committee Amendment "A" (H-568) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **TAXATION** on Bill "An Act to Amend the Definition of Agricultural Land for Taxation at its Current Use"  
H.P. 13 L.D. 13

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-571)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**.

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

**READ ONCE.**

Committee Amendment "A" (H-571) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**, in concurrence.

Senate at Ease.

Senate called to order by the President.

HATCH of Skowhegan  
RICHARDSON of Brunswick  
BRYANT of Dixfield  
DORR of Camden  
MICHAUD of Fort Kent

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

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

Signed:

Representatives:  
MORRISON of Baileyville  
DUPREY of Hampden  
CLOUGH of Scarborough  
MURPHY of Kennebunk

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

Comes from the House with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

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

Reports **READ**.

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

On motion by Senator **SHOREY** of Washington, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE**.

**RECESSED** until the sound of the bell.

Committee Amendment "A" (H-549) **READ** and **ADOPTED**.

After Recess

Senate called to order by the President.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549)**, in **NON-CONCURRENCE**. Sent down for concurrence.

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

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

**REPORTS OF COMMITTEES**

**ORDERS**

**Senate**

**Joint Order**

**Divided Report**

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine (EMERGENCY) H.P. 1314 L.D. 1778

On motion by Senator **DAGGETT** of Kennebec, the following Joint Order:

S.P. 631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-549)**.

ORDERED, the House concurring, that "Resolve, to Study the Establishment of the Department of Environmental Protection as the Lead Response Agency in All Emergency Releases and Spills of Toxic or Hazardous Materials," L.D. 1454, H.P. 1085, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Signed:

**READ** and **PASSED**.

Senators:

YOUNGBLOOD of Penobscot  
SHOREY of Washington  
BROMLEY of Cumberland

Sent down for concurrence.

Representatives:

THOMAS of Orono

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 Regarding the Care and Treatment of Persons with Mental Illness Who Are Incarcerated

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

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

---

**Emergency Measure**

An Act to Assist Families in Meeting their Basic Needs

S.P. 371 L.D. 1209  
(C "A" S-238)

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

---

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

**ENACTORS**

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

**Acts**

An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle

S.P. 316 L.D. 1084  
(C "A" S-242)

An Act Concerning the Administration of County Government

S.P. 391 L.D. 1287  
(C "A" S-231)

An Act to Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State

S.P. 476 L.D. 1540  
(C "A" S-234)

An Act to Amend the Laws Pertaining to Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness

H.P. 1168 L.D. 1568  
(C "A" H-539)

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

May 23, 2001

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

\_\_\_\_\_  
An Act to Define the Responsibilities of the Chief Information Officer and to Make Membership Changes on Technical Boards  
S.P. 581 L.D. 1759  
(C "A" S-232)

Dear Madam Secretary:

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Enhance the Observance of Veterans' Holidays"

(H.P. 937) (L.D. 1251)

Representative **BOUFFARD** of Lewiston  
Representative **MICHAUD** of Fort Kent  
Representative **TOBIN** of Windham

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

Sincerely,

**REPORTS OF COMMITTEES**

S/Millicent M. MacFarland  
Clerk of the House

**House**

**Ought to Pass As Amended**

**READ and ORDERED PLACED ON FILE.**

The Committee on **TRANSPORTATION** on Bill "An Act to Provide Transportation Vouchers to Persons with Disabilities to Improve their Independence and Opportunity to Work"  
H.P. 712 L.D. 927

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

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-581).

**ORDERS**

**Joint Order**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)**.

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

S.P. 632

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

**READ ONCE.**

Committee Amendment "A" (H-581) **READ** and **ADOPTED**, in concurrence.

**ORDERED**, the House concurring, that Bill, "An Act to Amend the State's Overtime Law," S.P. 314, L.D. 1082, and all its accompanying papers be recalled from the Governor's desk to the Senate.

**READ.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)**, in concurrence.

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

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

Senator **PENDLETON:** Thank you, Mr. President, men and women of the Senate. This Joint Order will recall L.D. 1082 from the Governor's desk. This is a bill that we passed a couple of weeks ago. It deals with nurses and overtime. We think there is a possibility of compromise. So we're hoping you will allow us to bring the bill back to us, to this body, so we can work on a compromise. Thank you.

**COMMUNICATIONS**

The Following Communication: H.C. 277

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **PENDLETON** of Cumberland to **PASS**.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES**

Senate at Ease.

Senate called to order by the President.

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

**RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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

**ENACTORS**

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

**Emergency Measure**

An Act to Amend the Charter of the Buckfield Village Corporation  
H.P. 1343 L.D. 1798  
(C "A" H-535)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with no Senators having voted in the negative, and 24 being 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:

**Emergency Resolve**

Resolve, to Establish a Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State  
H.P. 1106 L.D. 1475  
(C "A" H-538)

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

**Emergency Resolve**

Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Reimbursement of Podiatrists  
S.P. 445 L.D. 1499  
(C "A" S-237)

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services  
H.P. 1321 L.D. 1782  
(C "A" H-540)

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

**Acts**

An Act to Ensure Continued Health Insurance Coverage for the Spouse and Dependents of a Teacher or State Employee who Dies  
H.P. 573 L.D. 728  
(C "A" H-546)

**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 Amend Eminent Domain Powers

H.P. 99 L.D. 103  
(C "A" H-528)

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

Senator **RAND:** Thank you, Mr. President, men and women of the Senate. It is my understanding that L.D. 103 has been amended by H-528. I would appreciate it if someone could explain to me what this amendment does.

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

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

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An Act to Amend the Sex Offender Registration and Notification Act of 1999 and Sentencing Provisions for Sex Offenders

H.P. 633 L.D. 833  
(C "A" H-531)

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

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An Act to Ensure Access to Assisted Living Services Programs

H.P. 653 L.D. 853  
(H "A" H-508 to C "A" H-489)

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

---

An Act to Amend the Maine Insurance Guaranty Association Act

S.P. 268 L.D. 915  
(C "A" S-240)

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

---

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

**ENACTORS**

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

**Resolves**

Resolve, to Create a Commission to Review the Landlord-tenant Laws in the State

S.P. 464 L.D. 1517  
(C "A" S-229)

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

---

Resolve, Regarding Calculation of Consumer Income in Home-based Care Programs

H.P. 1127 L.D. 1524  
(C "A" H-548)

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

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

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

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 1223 L.D. 1664  
(C "A" H-355)

In Senate, May 8, 2001, **PASSED TO BE ENACTED**, in concurrence.

**RECALLED** from the Governor's Desk pursuant to Joint Order H.P. 1356, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355) AND HOUSE AMENDMENT "A" (H-574)**, in **NON-CONCURRENCE**.

On motion by Senator **SAVAGE** of Knox, the Senate **RECEDED** and **CONCURRED**.

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

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### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/9/01) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses" (EMERGENCY) S.P. 35 L.D. 133

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-80)** (5 members)

Tabled - May 9, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, April 26, 2001, on motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, May 7, 2001, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80)**, in **NON-CONCURRENCE**.)

Senator **DOUGLASS** of Androscoggin moved the Senate **ADHERE**.

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

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

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

Senator **DAGGETT:** Thank you, Mr. President and members of the Senate. I'm just going to speak briefly to this issue. I have had the opportunity to chair the Legal and Veterans Affairs Committee for several terms prior to this term and had an opportunity to be a part of a unanimous committee report that opposed this and then had an opportunity to be a part of a 12 to 1 report in favor of this bill. There is a little bit of a change with this one in that there is a sunset so that it would only be in effect for a limited length of time. I just will speak to you for a moment about my particular progress of thought on this particular bill.

It is somewhat interesting, as the chair of Legal and Veterans Affairs Committee, which is a committee that deals a lot with gambling and with issues regarding alcohol, I'm not a gambler and I'm not a drinker. It was somewhat of an interesting place to

find myself. Actually I'm not much of a golfer. But I have played golf on courses that didn't have the mobile beverage cart and I have played golf on courses that did have the mobile cart. After having a chance to look at the various sides of issue, I can tell you that this is a far more benign issue than it has turned out to be here. The regulation, the monitoring, the sales through these mobile carts is quite straight forward and quite easy. I do think there is something to be said for discouraging people stopping at the bar in the middle and trying to drink 2 or 3 beers down as quickly as they can before they go onto the remaining 9 holes. This has worked well in other states. It has not been a big issue. The Bureau of Liquor Enforcement has looked at it, and at least during the previous session, felt that there would be no problem with enforcement and were certainly, at that time, well prepared to deal with it. So I just would ask that you take a look at it. We tend to get very emotionally caught up in some of these issues of gambling, drinking, and other things and frequently the way we call attention to them makes them an issue that perhaps they don't need to be. I hope you will consider your vote and will consider supporting the Recede and Concur motion. Thank you.

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

Senator **MARTIN:** Mr. President, members of the Senate. I opposed this bill in the other body when I was a member. My position hasn't changed but one of the things that bothers me the most is, obviously, the availability to provide more alcohol and then, of course, having the penalties that we then want to assess when people come off the course. I guess one of the things that bothers me most of all is the state law that we have now on the books that says you can't drink in public. Keeping in mind that golf courses are public and keeping in mind that if you're on your front doorsteps with a bottle of beer, it is illegal in Maine. Of course you can always put it in a glass and sit in the front yard. But it's amazing how many young students where I happen to be a professor end up getting tickets for being on the front porch with this bottle of beer. Yet we're now going to let everyone do it at a public golf course.

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. I urge you to oppose the pending motion of Recede and Concur so that we then can go on and Adhere and finish killing this bill. It's unfortunate that this is the 3<sup>rd</sup> time in my senate career that drinking and driving is back. We just can't seem to kill it off. I'm looking at the previously, a couple of weeks ago, distributed editorial from the Lewiston Sun Journal. It says 'keep the drinking inside the club house.' We've heard earlier today in this debate that 'oh, this can be policed.' I submit that it would take an unbelievable number of liquor control agents, and we just have a few in the whole state, to police the drinking on every hole in every golf course in Maine. My concern and the golf course owners in my district, some of which have been here almost every day since January, is that if a 21 year old is golfing with a 17 year old and the beer gets passed around and pretty soon it's pretty good fun for the 17 year old to be driving the golf cart a little bit under the influence. Low and behold, that 17 year old probably has got a driver's license. This might then be tried with a car or a pickup truck with disastrous results. Golf course

owners are responsible for the patrons on their course. They are responsible for making sure when they leave that course that their blood alcohol level is low enough so that it will not, in any way, effect their driving. Golf course owners do not have the ability to police the drinking that's going on in every hole on the golf course. It's an impossibility. They couldn't afford to hire enough people to do that. They have to work pretty hard to police this and do a good job at policing this on what is called the 19<sup>th</sup> hole, which most people, myself included, have on occasion visited. In my own case, it's probably to console myself for such a lousy round of golf I've just played. I think what I just had distributed to you speaks to this issue. With this person, Mr. Austin Kelly, who's managed a golf course for over 30 years as a club pro at Bangor Municipal. He goes on to say it's just too dangerous. He's never seen a case yet where a few beers would help anyone's golf game. I'd submit that, unlike Senator Woodcock here who I understand is a scratch golfer, most of us are really struggling with our games. A few rounds of beers, to me, has no positive to it. It's just negative. Negative, negative. I urge you to oppose the pending motion so we can go on and Adhere. Thank you.

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

Senator **CARPENTER:** Thank you, Mr. President, women and men of the Maine Senate. Since 1989 I have worked at a golf course. Mowed 19 greens every morning from 4 am to 9 am. Some days I would then go out and retrieve the trash from the trash cans and bring it in and store it. On other days I've been rangering. I think it's awful easy to debate or to write editorials or to draw cartoons about this bill. Actually, I do play golf but I'm certainly not as good as a scratch golfer, might be nearer a 24 handicapper. But I'm not sure how many of you have really even read this bill. I'm going to read parts of it. 'Under this bill all individuals selling, serving, or dispensing liquor,' which would be nicer if they called it a malt liquor as it certainly wouldn't be hard liquor, 'from mobile service bars are employees of the golf course. All liquor possessed and consumed on the golf course is sold by the licensee.' It's a good bill to help monitor abuse of beer on golf courses because now you're going to have a sufficient number of employees deployed to adequately control and ensure adherence to laws applying to the serving, sale, consumption of liquor on the golf course, meaning rangers. Golf courses have rangers that patrol all day, especially on heavy days they have more than one ranger. That ranger is empowered to kick people off the golf course if they see them acting up, which supposedly happens on the golf course from the consumption of alcohol and beer. The only people I've ever talked to when I'm rangering are people that are slowing down play. They're really just laughing and they're not, perhaps, inebriated. Once in a while that could happen. But it's more apt to happen when they bring the beer themselves on the golf course than it is under this bill which continues to say 'service or consumption of any liquor is not allowed in the parking lots. Licensee or licensee's employees may not allow patrons to leave the golf course with liquor. Only one standard serving of liquor is served to an individual at a time.' simply meaning that the so called snack wagon which serves sandwiches, soft drinks, and beverages, being beer, has to keep going around the golf course and each time somebody wants a beer they can only buy one. They can't say give me 6. All this bill really does is monitor the problems on a golf course caused by the consumption of beer. Another portion of the bill says that you cannot take the golf carts

to the parking lots and load them with your clubs any more. This would also eliminate visually carrying coolers over to the pro shop or wherever the bag drop is. Signs are posted that state a patron may not bring alcoholic beverages onto the premises of the golf course. A person who brings alcoholic beverages onto the premises of a golf course is subject to a civil penalty of not less than \$250. The problem is not this golf cart we're discussing, the problem is the way it is now being used where the golf courses don't have the ability to monitor what they are bringing on the course, especially in big tournaments. You can't monitor what is being brought onto the golf course. With some of these laws it certainly will help monitor the problem and another definite advantage to this law will be that it would also allow a lot of the smaller golf courses to make a few more dollars in the sale of sandwiches, soft drinks, and beer. I hope you vote with the motion of Recede and Concur. Thank you.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#82)**

**YEAS:** Senators: CARPENTER, CATHCART, DAGGETT, FERGUSON, GAGNON, LEMONT, MITCHELL, O'GARA, SHOREY, TURNER, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD

**NAYS:** Senators: ABROMSON, BENNETT, BROMLEY, DAVIS, DOUGLASS, EDMONDS, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, MARTIN, MCALEVEY, MILLS, NUTTING, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SMALL, TREAT, WOODCOCK

**ABSENT:** Senator: LONGLEY

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **DAGGETT** of Kennebec to **RECEDE** and **CONCUR, FAILED.**

On motion by Senator **DOUGLASS** of Androscoggin, the Senate **ADHERED.**

The Chair laid before the Senate the following Tabled and Later (5/23/01) Assigned matter:

**SENATE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Rights of Retainage in Public Construction Contracts"

S.P. 514 L.D. 1633

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-245)** (3 members)

Tabled - May 23, 2001, by Senator **NUTTING** of Androscoggin

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

(In Senate, May 23, 2001, Reports **READ**.)

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

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

Senator **MILLS:** Mr. President, I would ask that the body reject the pending motion so that we could go on to substitute the bill for the report and put out a piece of legislation that has long been in the offing and long been needed. I appreciate that this has been an issue that has been debated in every legislature since I've been here at least once and bills to the same effect as this bill or a similar effect have passed by overwhelming majorities in one chamber or another and there has been constant discussion about it. But let me just say this. In years past I have opposed bills of this sort because I didn't like the remedy that the contractors had come up with. In this past 6 months, I've had the pleasure of working with the, they're not called the Associated General Contractors, they're called Associated Constructors of Maine. We came up with what I regard as a more moderate approach to solving a very serious problem in public construction contracts. The problem is this, in a nutshell. It really isn't very complicated. Under present law, for some fluky reason and it is a matter of statute, the public owner who commissions a major construction contract, typically a school district but it could be the State as well, for instance the State when it undertakes to build or rebuild the State Office Building or the State Capitol or to tear down the Education Building or what have you, in any major construction contract there is a statute that says that the public agency is entitled to retain or withhold 5% of the contract funds. They withhold those funds, I forget the exact language, essentially until they are subjectively satisfied that everything has been done to their complete satisfaction. This is completely out of sync with what is done in the private sector. This is an issue, a great concern, in the private sector. It's a matter of some tension between owners on the one hand and contractors on the other hand. They have solved this problem. They solved it by saying that at the end of a job, when the building is ready for occupancy, in other words when it is substantially complete, maybe all of the little touch ups haven't been done on the paint, maybe the heating system still needs some balancing, maybe there needs to be some loam and seeding, but when the building is ready for occupancy, when they've reached a point that is called substantial completion, at that point there is a punch list generated of what is remaining to be done. If there is no agreement between the owner and the contractor as to what the value is of the work to be done on the punch list, typically the architect or the engineer, that is the retained professional, arbitrates that or helps to assign a value. Typically the owner is entitled to retain 1 ½ times the value of that uncompleted work in order to ensure that the contractor has an incentive to come back on the job site and get it done. Indeed, if the contractor fails to come back, ultimately the owner can take that 150% of value and go out and hire somebody else

to do it and will have enough funds to get it done or can do it with his own building superintendent. That isn't what is done in public construction contracts. We have situations where, on a \$20 million high school job, as much as \$1 million will be retained because the superintendent and the school board are entitled to retain that amount. They may retain it virtually at whim long after the building has been occupied, long after substantial completion. Sometimes, and you'll hear stories on both sides of this issue, there have been occasions when holding that massive incentive over the head of the contractor, virtually causing the contractor to become a slave to ordinary maintenance issues during the first year or two of the building's occupancy. Changing light bulbs and making up for deficiencies that are caused by ordinary wear and tear and occupancy. It's also true that we have some bad contractors that come into the State of Maine. You have to wonder when we're getting low bids from people out of Massachusetts who somehow aren't able to get work on the big dig. If you weren't able to get work on the big dig, you can't really be among the most favored of New England's contractors. Everybody I know that's making big money in Massachusetts is working underground down in Boston. So those few that can't seem to find work there do float up into southern Maine and try to build school houses. We've had, Lord knows, some deeply unfortunate consequences. Some very bad construction litigation. Some very unhappy people. I respect that we need a law in place that protects our school districts and our other public agencies from the disease of low bidder contractors. But I think that that can be done in the context of the bill that I would like to lay before you because it does set out the rules whereby the owner may retain the 5%, may continue retaining the 5% as a club over the contractor, but it says basically at substantial completion, at the time when you're ready to occupy the building, at the time when your architect says that the building is ready to move into and is substantially ready for use, at that point then you have to establish a punch list, you have to begin giving back the 5% that you've been retaining since the first day of the contract. I think that that's a fair resolution of these tensions that inevitably exist even between the best of contractors and the best of school districts or owners. There was a lot of thought and a lot of work that went into this bill. It's, I think, a vast improvement over bills that have been presented and have nearly passed in years past in recent legislatures. I would urge that you give this bill a chance by voting against the pending motion, which is Ought Not to Pass, so that we may go ahead to accept a motion to substitute the bill for the report and have this bill further considered. For that, I thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President, ladies and gentlemen of the Senate. In my former life I was a purchasing agent. A CPM, which is a Certified Purchasing Manager. I can tell you, in the private sector, in contracts that I ran I didn't withhold only 5%, I withheld 10% retainage until the job was satisfactorily done. I can tell you that a lot of these school administrative districts and people that run government jobs don't do this on a daily basis. It seems to me that we have a law that's working well and that we should keep it in place. I'm not going to elaborate as much as my colleague, my good friend and seat mate, the good Senator from Somerset, Senator Mills, has. In any event, we do have a group of people that maybe aren't as

familiar as some running construction jobs and it seems to me that 5%, although on a \$20 million project a \$1 million retainage is something that contractors, when they bid these jobs, are well aware of. I believe that it's not mandatory that they do withhold the 5%. I believe they have some flexibility there. They could, by law, withhold the 5%. I may stand corrected on that particular issue. But it seems to me that we should support the pending motion and put an end to this. Thank you very much.

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

Senator **YOUNGBLOOD:** Thank you, Mr. President, ladies and gentlemen of the Senate. A lot of the things that each of these two well respected Senators have said are absolutely true. There is a problem out there. In the non-public world, this is fairly easily taken care of. I've been involved in a lot of building projects. It's easily taken care of because you can have a select bid list. You can say I want to take a bid from this company and company A, company B, company C, and that's going to be the extent of it. In the public world, that's not true. All of the things that the good Senator from Somerset, Senator Mills, said are absolutely true. There are some bad actors out there and the bad actors are not just the contractors. The bad actors are the superintendent of schools that terribly abuse this 5%. They make contractors come back and fix things that had nothing to do with poor workmanship, poor installation, poor quality of product. But they make them come back to fix things that are abused by the children of the school. Broken flushes, broken lights. If the contractor says to them 'listen, that was fine when we left here last week,' the superintendent merely has to say, because they've been holding back 5%, which can be \$1 million or more than \$1 million on a \$10 or \$20 million school, 'fix it or you don't get your 5%.' So they make them come back and next week the flush gets broken again. We heard stories in the State and Local Government Committee where they came back and replaced a flush 4, 5, and 6 times because of youth abuse. But I cannot go along or cannot urge you to vote that this bill ought to pass. We have contractors from Connecticut, Massachusetts, and other far away places. The bill, as amended, would allow them to hold 3 times the value of the punch list. If you're building a school in Strong, in Jackman, in Lubec and the people who laid the tile in the bathroom floor are from Hartford, Connecticut, 3 times the value of the punch list is not enough to get that firm to come back from Hartford, Connecticut, to fix it. He'll say fix it yourself. If you are in those far away communities, you're going to have to go to Portland, Lewiston, or goodness only knows where to find somebody that can do it. It isn't like you can call the local guy down the street to come fix it. As long as we have open bidding, the answer to this would be allowing school to have a select bid list so that they know who their going to have to be dealing with. It would then be, obviously, much easier to control. We worked this bill in the State and Local Government Committee on multiple occasions. We sent the contractors and the superintendent of schools off to try to come up with some kind of a compromise. They could not. The bill is a problem. I do not believe the bill as amended is the answer to the problem. The answer lays out there somewhere. The superintendent of schools have said that they will try to do some things to take care of their bad actors. It's their bad actors that really brings this back here year after year after year. So on all of that, I would urge you to vote with the Majority Ought Not to Pass. Thank you.

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

Senator **PENDLETON:** Thank you, Mr. President, men and women of the Senate. I have nothing really to add as eloquent as my good colleague Senator Youngblood from Penobscot. I just want to add one little quick thing. Our committee, the State and Local Government Committee, has worked on this issue for years and years and years, not just committee meetings over and over and over again. We had sent, as the good Senator said we had sent, the two sides out over and over again and asked them to come out with a compromise. They have never really hit it on the button. So I hope that you will vote Ought Not to Pass on this. Thank you.

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

Senator **NUTTING:** Thank you, Mr. President, ladies and gentlemen of the Senate. This bill, I believe, this is the 4<sup>th</sup> year that I've had it in or Senator Mills has had it in or various Representatives have had it in. I guess maybe I should start my very brief speech on it and say, for you freshmen Senators who haven't been through this several times before, this happens only in Maine, from what I've been able to find out. In practical terms, what's happening in Maine is that the early sub-contractors on a school construction job, earth work, cement foundations, frame, roof, are having to wait as much as 2 years or more to get their last 5% of their money in order that the finish carpenter does a good job putting the molding on the doors or putting the carpet in. That's a very, in my opinion, anti-business type of climate to try to operate in. Just think of the time we and the other body have spent on school construction dollars and the debate. How many school construction projects we need to get done? Are we going to fund school construction enough? Well if you're a sub-contractor, and you know that you're going to have to wait 2 years for your last 5% of your money, when you bid the next project you're going to bid it higher than you would have otherwise. In effect, our school construction dollars, because of this system, are not being stretched as far as they would be otherwise and we're not building the number of schools we should because they're having to wait a long time, years in some cases if you're an early sub-contractor, to get the rest of their money. Yes, there has been many horror stories. Some of the previous speakers have relayed some stories where a 2<sup>nd</sup> and a 3<sup>rd</sup> bathroom have been put in schools. That's very unfortunate. I think what's also frustrating to me is that the Associated Constructors of Maine for 5 years now have been attempting to negotiate with the superintendents on this issue. This bill has had about 6 different drafts. The word from the superintendents, for at least 5 years of my history with this bill, has just been no. I've never seen them negotiate anything on this issue. So I urge you to not accept the pending motion so we can go on to accept the Ought to Pass motion. Thank you.

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The President requested the Sergeant-At-Arms escort President Pro Tem **BENNETT** of Oxford to the rostrum where he assumed the duties of the Chair.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **RICHARD A. BENNETT** of Oxford.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you very much, men and women of the Senate. There is a lot of construction that's going on currently in our state with new schools being built and we hope that there will be even more construction going in the future. I feel very strongly that now is not the time to institute a law which weakens the protection of taxpayers and the protection of taxpayers' dollars with regard to this construction. So I would encourage you to vote to accept the Majority Ought Not to Pass Report. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

On motion by Senator **SMALL** of Sagadahoc, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

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.

On motion by Senator **TURNER** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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.

**ORDERS OF THE DAY**

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

SENATE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Facilitate the Creation of Boat Launch Sites in the Maine Land Use Regulation Commission's Jurisdiction"

S.P. 350 L.D. 1164

Report - **Ought to Pass As Amended by Committee Amendment "B" (S-248)**

Tabled - May 24, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 24, 2001, Report **READ**.)

Report **ACCEPTED**.

On motion by Senator **GOLDTHWAIT** of Hancock, the Senate **RECONSIDERED** whereby it **ACCEPTED** the **OUGHT TO PASS AS AMENDED** Report.

Same Senator requested a Division.

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

Senator **TREAT:** Thank you, Mr. President, men and women of the Senate. I would encourage you to take a look at the amendment. Far be it for me to fight on behalf of a bill that I was trying to kill in an earlier time of the year. But I had questions when I saw the title come up this morning on the calendar. This was a bill, you may recall, that was sent back to the committee for further work after it probably looked like it was going to go down to a certain death here in the Senate. If you do look at that amendment, you will see that the language is very different and it says specifically that nothing in that amendment is to encourage the building of additional boat launch facilities in Class II lakes. It focuses more on getting easements and public access. Anyone can vote anyway they want on it but I would like to just make clear that this is a very different piece of legislation than what we were voting on in its earlier version. You might want to look at that before you vote on this division.

At the request of Senator **GOLDTHWAIT** of Hancock a Division was had. 28 Senators having voted in the affirmative and 5 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "B" (S-248) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-248)**.

Sent down for concurrence.

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

**Emergency Measure**

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact

S.P. 545 L.D. 1691

Tabled - may 24, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, May 15, 2001, **PASSED TO BE ENGROSSED**.)

(In House, May 23, 2001, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Create an Alliance for the Purpose of Purchasing Health Insurance"

H.P. 193 L.D. 204

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-587)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**.

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

**READ ONCE**.

Committee Amendment "A" (H-587) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**, in concurrence.

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Improve End-of-life Care in the State"

H.P. 617 L.D. 802

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-586)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**.

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

**READ ONCE**.

Committee Amendment "A" (H-586) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendation of the Maine Millennium Commission on Hunger and Food Security Concerning Recapitalization of the Vehicle Revolving Fund for Low-Income Families Administered by the Department of Human Services" H.P. 796 L.D. 1040

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-592)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)**.

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

**READ ONCE**.

Committee Amendment "A" (H-592) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)**, in concurrence.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Veterans"

H.P. 231 L.D. 268

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-583)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583)**.

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

**READ ONCE**.

Committee Amendment "A" (H-583) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories"

H.P. 1161 L.D. 1561

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-595)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**.

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

**READ ONCE.**

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**, in concurrence.

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Support a Continuum of Quality Long-term Care Services" (EMERGENCY)

H.P. 1169 L.D. 1569

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-593)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.

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

**READ ONCE.**

Committee Amendment "A" (H-593) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Implement Recommendations of the MCJUSTIS Board Pursuant to the Study Required by Resolve 1997, Chapter 105"

H.P. 1280 L.D. 1740

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-596)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**.

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

**READ ONCE.**

Committee Amendment "A" (H-596) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**, in concurrence.

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Require that Hospice Care be Provided Under the Medicaid Program

H.P. 1209 L.D. 1641

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-590)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**.

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

**READ ONCE.**

Committee Amendment "A" (H-590) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**, in concurrence.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

H.P. 1337 L.D. 1791

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-582)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582)**.

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

**READ ONCE.**

Committee Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act to Adjust the Unemployment Compensation Fund Cap"

H.P. 278 L.D. 356

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

EDMONDS of Cumberland  
TURNER of Cumberland  
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township  
MATTHEWS of Winslow  
DAVIS of Falmouth  
MacDOUGALL of North Berwick  
TREADWELL of Carmel  
HUTTON of Bowdoinham  
NORTON of Bangor  
SMITH of Van Buren  
TARAZEWICH of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-577)**.

Signed:

Representative:

CRESSEY of Baldwin

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission"

S.P. 360 L.D. 1198

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

LANDRY of Patten  
LUNDEEN of Mars Hill  
GOOLEY of Farmington  
FOSTER of Gray  
CARR of Lincoln  
JODREY of Bethel

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-253).**

Signed:

Senators:

KNEELAND of Aroostook  
KILKELLY of Lincoln

Representatives:

McKEE of Wayne  
VOLENIK of Brooklin  
HAWES of Standish  
PINEAU of Jay

Reports **READ.**

Senator **KNEELAND** of Aroostook moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Allow Medicaid Reimbursement for Certain Drugs Without Requiring Prior Authorization

S.P. 471 L.D. 1535

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

LONGLEY of Waldo  
TURNER of Cumberland

Representatives:

FULLER of Manchester  
BROOKS of Winterport  
DUDLEY of Portland  
LAVERRIERE-BOUCHER of Biddeford  
DUGAY of Cherryfield  
KANE of Saco  
LOVETT of Scarborough  
O'BRIEN of Augusta  
SHIELDS of Auburn  
NUTTING of Oakland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-254).**

Signed:

Senator:

MARTIN of Aroostook

Reports **READ.**

Senator **TURNER** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Patient Access to Medicines"

S.P. 572 L.D. 1744

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

LONGLEY of Waldo  
TURNER of Cumberland

Representatives:

FULLER of Manchester  
BROOKS of Winterport  
DUDLEY of Portland  
LAVERRIERE-BOUCHER of Biddeford  
DUGAY of Cherryfield  
KANE of Saco  
LOVETT of Scarborough  
O'BRIEN of Augusta  
SHIELDS of Auburn  
NUTTING of Oakland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-255).**

Signed:

Senator:

MARTIN of Aroostook

Reports **READ**.

Senator **TURNER** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

**REPORTS OF COMMITTEES**  
**House**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Regarding Pupil Transportation" H.P. 1116 L.D. 1485

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

- SAVAGE of Knox
- O'GARA of Cumberland
- GAGNON of Kennebec

Representatives:

- McNEIL of Rockland
- COLLINS of Wells
- WHEELER of Bridgewater
- WHEELER of Eliot
- FISHER of Brewer
- BOUFFARD of Lewiston
- McKENNEY of Cumberland
- BUNKER of Kossuth Township
- PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-584)**.

Signed:

Representative:

- MARLEY of Portland

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **SAVAGE** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **RICHARD A. BENNETT** of Oxford.

**ORDERS OF THE DAY**

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Rights of Retainage in Public Construction Contracts"

S.P. 514 L.D. 1633

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass As Amended by Committee Amendment "A" (S-245)** (3 members)

Tabled - May 24, 2001, by Senator **TURNER** of Cumberland

Pending - motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

(In Senate, May 24, 2001, on motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**. Subsequently, on motion by Senator **SMALL** of Sagadahoc, **RECONSIDERED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#83)**

YEAS: Senators: BROMLEY, CATHCART, DOUGLASS, FERGUSON, GAGNON, LAFOUNTAIN, LEMONT, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SMALL, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - RICHARD A. BENNETT

NAYS: Senators: ABROMSON, CARPENTER, DAGGETT, DAVIS, EDMONDS, GOLDTHWAIT, KILKELLY, KNEELAND, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, NUTTING, SAWYER, SHOREY, TREAT, TURNER

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

Senator **MILLS** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **FERGUSON** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a

Roll Call was ordered.

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

Senator **MILLS:** Mr. President, if I may be permitted just one footnote to our earlier discussion. I had earlier thought about moving the bill in place of the report, and as I was sitting here reading what the committee had done to the bill, I actually think they improved it quite a bit. My first impression was that they hadn't. If you do accept the pending motion, it will mean that you will be adopting the committee version of the bill that had been written. They actually did something very interesting. They said that the school is authorized to withhold not just 1 1/2 times the value of the punch list work but 3 times the value of punch list work, thus creating an even heavier inducement for the contractor to get it fixed and providing greater protection to the school in case the contractor doesn't come back from some distant place. More significantly, they said that if the contractor fails to repair the punch list work within 60 days, the amount of money withheld for any such incomplete or defective work would be forfeited to the school as kind of a penalty for not getting the work done in 60 days. That's rather interesting. I thought it was a good refinement on the work that we had done earlier. For those two reasons I moved the committee report rather than the bill as originally drafted. I would, again, urge your adoption of the bill and your affirmative vote on the pending motion. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Mills to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#84)**

YEAS: Senators: ABROMSON, CARPENTER, DAGGETT, DAVIS, EDMONDS, GOLDTHWAIT, KILKELLY, KNEELAND, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, NUTTING, SAWYER, SHOREY, TREAT, TURNER

NAYS: Senators: BROMLEY, CATHCART, DOUGLASS, FERGUSON, GAGNON, LAFOUNTAIN, LEMONT, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SMALL, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - RICHARD A. BENNETT

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-245) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)**.

(See action later today.)

Senate at Ease.

Senate called to order by President Pro Tem **RICHARD A. BENNETT** of Oxford.

The Chair laid before the Senate the following Tabled and Unassigned matter:

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)  
H.P. 256 L.D. 300  
(S "M" S-44 to C "A" H-55)

Tabled - April 5, 2001, by President Pro Tem **BENNETT** of Oxford

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**

(In House, March 28, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55)**.)  
(In Senate, March 29, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto, in **NON-CONCURRENCE**.)

(In House, March 30, 2001, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

(In Senate, April 5, 2001, on motion by President Pro Tem **BENNETT** of Oxford the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto. **RECEDED** from **ADOPTION of COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto. **RECEDED** from **ADOPTION of SENATE AMENDMENT "K" (S-36) to COMMITTEE AMENDMENT "A" (H-55)** and **INDEFINITELY POSTPONED** same. On motion by Senator **LEMONT** of York, **SENATE AMENDMENT "M" (S-44)** to **COMMITTEE AMENDMENT "A" (H-55) READ** and **ADOPTED**. **COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE**

**AMENDMENT "M" (S-44)** thereto, **ADOPTED**, in **NON-CONCURRENCE**.)

On motion by President **MICHAUD** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-55) as Amended by Senate Amendment "M" (S-44) thereto, in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "M" (S-44) to Committee Amendment "A" (H-55), in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "M" (S-44) to Committee Amendment "A" (H-55) **INDEFINITELY POSTPONED**.

On further motion by same Senator, Senate Amendment "N" (S-256) to Committee Amendment "A" (H-55) **READ**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Penobscot, President Michaud.

President **MICHAUD:** Thank you, Mr. President, men and women of the Senate. I hope you adopt Senate Amendment "N" to LD 300, the budget. There has been a lot of work put in by the Appropriations Committee and I want to commend the members of the Appropriations Committee from both the House and the Senate for all of the work that they have done. As you know, when we adopted Senate Amendment "M" we went off what the Appropriations Committee had done. We were not able to get the votes needed in the other body so what we had done in the interim. I again wanted to thank the Senator from Hancock, Senator Goldthwait, for the work of the Appropriations Committee when they came back with some other proposals that they had sent up to us earlier as a Committee Proposal "F". We worked off of, when I say we I am talking about Leadership, we worked off of Committee Proposal "F". That is what we have before you today in Senate Amendment "N". I do want to especially thank Leadership in the Senate on both sides of the aisle for advocating for their respective caucuses in this budget debate. I also want to thank the House Leadership from both sides in trying to negotiate a package that we might be able to get a two-thirds vote in both the Senate and in the House. I think with Senate Amendment "N", we will be able to do that.

Leadership, we finished up last night at five minutes of twelve with this package, were all in agreement with what has happened here in the Senate. Particularly with the unique dynamics of the Senate this year I think this is a real good compromise that hopefully, this body and the other body will be able to enact with a two-thirds vote that is needed to get this Budget through. So Mr. President and men and women of the Senate, I hope that you will all support the current Amendment before you today.

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

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate, I would just like to make a few comments before the vote. And, first of all I would like to thank you, really quite sincerely for all of you volunteering to be consultants on this budget proposal. It is rare that an Appropriations Committee has the opportunity to have so many consultants and we appreciate your input and it truly does add to the budget process when all members become involved, and so I think that is really quite a positive thing.

There's only one thing wrong with Senate Amendment "N", and that is that we can't afford it. But that is a detail at this point and I really want to speak about the two reasons that I considered, in terms of my vote today, as reasons for voting for this Senate Amendment. The first one is because of timing; we are looking at a document that has been tabled since the fifth of April, and it is now the twenty-fourth of May. We're at a point where it almost doesn't matter what is in it, and that is quite unfortunate for a document as important as a state budget. It is now at that point in our life span as the first year of this Legislature, where it has to get finished and we have to avoid the chaos that we know happens if we don't complete a budget and so for better or for worse this might be a good reason to vote in favor of this document. The other pieces of the process of course have to do with another part of the budget and bonds and a table, and none of those things can really get under way until we finalize a part one.

The second reason that I thought about voting for Senate Amendment "N" has to do with the healing process; it has been a difficult process for everyone, a difficult budget year. Certainly it's time to get beyond recent history and move into the rest of our obligations and take care of them and get out of Dodge. I do want to say to the Senator from Somerset, Senator Mills and the Senator from Penobscot, Senator Michaud it has been an honor to work with you on the committee. You have been people of goodwill and pragmatism, you have been tenacious and the other members of this body who have served on the Appropriations Committee know full well that there is no pleasing anyone down there. And both of you have been quite tenacious in representing the interests of your caucuses and I admire you for that, I know it hasn't been an easy task. This process has created divisions between this Legislature, between this Body and the other Body and between people who used to be friends and whom I hope will again be some day.

So in the course of the day, I have been looking at my green button a lot and trying to develop some positive feelings for it and have kind of visualized pushing that button. I never have voted against a Budget before, but I can't do it. I cannot vote for this Budget, and it has taken me until this minute to make up my mind for sure but I do believe that I have a responsibility to represent my opinion and although there has never been a budget where any one of us has not had to swallow hard over some of the pieces, this is too much for me to swallow. I know that my vote won't count in this chamber today because I suspect I will be rather overwhelmed in the final tally. And that's OK. I wanted to assure myself that the vote that I take now would be no different if it was the deciding vote, which it will not be. But I feel it is important to vote the way I believe regardless if it's thirty-four to one, or a tied vote.

So I want to tell you that despite that vote that you can count on the Appropriations Committee to be hard at work on a part two budget in short order once this is finalized. I hope we can get a hat trick out, we've sent two unanimous budgets upstairs I hope we can do a third one. I don't feel quite as confident about that as I did about the first two. I know you will once again step forward as consultants, and I do look forward to that. We do welcome your input and any of it you care of offer we would be happy to take into consideration.

It is important that the next piece of our work goes more smoothly and particularly more quickly. Seven weeks from today is the fifteenth of July so unless we pick up the pace here a bit we've got a problem as far as getting our work done in a timely fashion. So, I will be voting against the pending motion. I would welcome any of you that care to, to join me in that vote and Mr. President I would request a Roll Call.

Senator **GOLDTHWAIT** of Hancock requested a Roll Call.

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

Senator **DAGGETT:** Thank you Mr. President. Men and women of the Senate. I'm pleased to have an opportunity to support the amendment that is in front of us. And I would just like to reflect a little on the process that has gotten us to this point today. I think that all of the Budgets that we have had an opportunity to vote for have been good Budgets. I don't think there's been a bad one. I'm frequently offended by the remarks that are commonly said about holding ones nose and voting for a Budget. I think this is a good one, I think they've all been good. But each one of those budgets has reflected the interests of those people who have worked on it. And as each of us has had an opportunity to participate in different ways on the different budgets, the budget has come out of that and has reflected those interests. We each represent different interests and each time there is a report or an agreement from the Legislature, it reflects the combined opinions of all of those who have been involved in it. And, I think that's the case with the document here, it reflects the interests of many people. There are always compromises to be made. There are always times that things may not perfectly represent us. That's what the challenge of being a legislator is. And that's what the challenges will continue to be. There will continue to be challenges for us and as we work together we will be able to meet those.

This document might have taken longer than some people have expected it to take. But when a number of people are working together to create something and particularly something as important as the budget document that reflects our spending priorities, it's a big issue and it's worthy of the time that it takes. There were many people that put in a lot of time over this document. It was built on the work that the Appropriations Committee did and frankly the large majority of it is reflective of that work. It's not radically different from that document now. But I'm pleased to be able to support it. I think it represents many interests. It's a good document. It may not be the ideal document, but it is a very good document considering the resources that we had to work with.

I want to thank all of those who were a part of that, and again I'm pleased to be able to support this.

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

Senator **SHOREY:** Thank you Mr. President. Men and women of the Senate, I think it would only be appropriate for this budget, only days before Memorial Day, which includes a provision recognizing the contributions our military personnel have made, by giving a tax cut for our military retirees. With this tax cut being retroactive to January 1<sup>st</sup>, 2001, military retirees will see immediate and much needed tax relief. I urge you to vote for this budget. Thank you very much.

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

Senator **BROMLEY:** Thank you Mr. President. Men and women of the Senate, is this a perfect budget? No. Do I get everything I want? No. And I suspect many of you don't either. But what we have addressed is some of the pressing needs of our state. Particularly reducing some of the drastic impacts on school budgets, of which one of the communities in my district has been a stand out. In the initial Governor's proposal, which was way back when, many of us may not remember, my community was going to lose thirty-one percent of their school budget. This drastic reduction would have been drastic. Many of the other communities in my district suffered as well. I am pleased, very pleased I might say, that working with the Education Committee and the Appropriations Committee that amount has been reduced from a thirty-one percent decrease to an eleven percent decrease. Just today in my local paper, it has been suggested that a fifteen percent reduction ought to be the cap. So I am extremely pleased for my particular district that we are well below that.

This piece in the paper also notes that when we used cushions against our existing formula we pit one community against another and because of my awareness of that, I want to pledge my support to continue to work on this issue so that we have a formula that has balance. One that doesn't require us each year to have this fight over pieces of the pie when what we need to do is to make the pie bigger. So before the ink is dry on this document, we need to pledge ourselves to work to fix the inequities by continuing to expand the school renovation and construction fund. To balance revenue sharing for service center communities with the formula, and to begin the important work at looking at this formula in a very deliberative way so that we can re-establish equity in this funding. So I hope you will join me in voting for the Amendment, thank you.

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

Senator **TREAT:** Thank you Mister President. Men and women of the Senate, I too would like to say a few words in support of the budget proposal before us and encourage your vote on it's behalf. This has been a very long and difficult process and I, for one, am all too aware that we are only part way through that process and still must deal with many budget issues before we can leave for hopefully a few days or weeks of summer vacation. And I want to thank a number of people who really have been working very hard on this. And in particular I would like to thank the members of the Education Committee.

One issue, and a big part of the budget discussion, debate and disagreement has been the learning endowment, the technology issue. And it was a very large issue in the view of this body and it was a matter that really led, in part, to our coming up with earlier Amendments to the budget that came to us from the House. And the Education Committee, in particular the Senate members of that Committee, worked very very hard to come up with a compromise that would preserve the endowment and the technology program while not costing the state of Maine as much money as the original proposal. I want to thank them for their work because I know it was very difficult work and I believe that the compromise proposal in the Amendment, which maintains a thirty million dollar endowment, but provides incentives for our chief executive and the rest of the state government to go out and seek contributions to bring the level of funding up, is a very good compromise. And it's consistent with the original proposal in its spirit and will in fact fund, for many years to come, a technology program that it is my hope that will benefit the education of the students across the state of Maine and will really advance the State in many ways.

I also want to say, having spent a number of days working on the language that is in this Amendment relating to the technology portion of it, that I do appreciate the willingness of the chief executive and the Department of Education to make a commitment to make what we have put into this Amendment work. And I think that's very important and I'm very pleased that they have made that commitment. That it may not be exactly what they had wanted, but they think they can make it work and they're going to work to do that. So I think that's a very important thing. We still do have difficult choices. I know that everyone isn't happy about this Amendment and the budget that we've come up with. But I would echo the words of the Senator from Kennebec, Senator Daggett that this is a good budget and the choices it has made are choices that reflect not only the interests of this body but also the interests of the other Body and other Committees in this Legislature, and I urge your support of it.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much Mr. President, ladies and gentlemen of the Maine State Senate. This is indeed an historic day, because I'm going to vote for the Budget. Trust me that's historic, five billion dollars is a lot of money. It's been interesting times; it's been quite a roller coaster. I think we went from 'A' to 'M' to 'J' to 'K' and we're at 'N'. It's been up and down and round and round. I can't say that I've enjoyed every minute of it. I have enjoyed a lot of it. I've had a chance to work with nearly every member. I've had a chance to work with my colleagues from the other side and I definitely came away knowing that even though we have our differences, there is no question to the statement that we all want the best for the state of Maine. There's no question in my mind that every member in this Body is looking for the best for our state.

There is one little item in the budget that I really wanted and I'm real pleased to have it. I'm going to tell you a little bit about it, and then I'm going to sit down. The good Senator from Washington, Senator Shorey, he's left his seat for a minute, but he alluded to it. The other night I didn't stick around, I went up to Guilford to see my little grand daughter Allison Marina Dow, who I think more of than most anything in this world. She's six years old. They had a special concert for Veterans, and their teacher

wrote me a letter and asked me if I could get something for them to give away so I went and bought sixty dollars worth of little flags, three or four hundred of them. And I went up and they asked me to say a few words and I thought about some people that I've known in my life. I thought about my Uncle Frank in Abbot Village who served in the South Pacific and my Aunt Barbara who is in the Women's Air Corps. And I thought about a friend of Senator Woodcock from Franklin, a fella by the name of Shag Fraiser up in Rangely who was on the Bataan Death March, who had malaria so bad, his colleagues carried him from being bayoneted to death. And when they got to the prisoner of war camp, they strapped him to a wall to keep him alive. And I thought about two or three others and I told the crowd about them. And after it was all over, a couple came up to me that I've known for thirty years. His name is Williard Starbird, he too served in the South Pacific. He told me that in his lifetime that he had been very proud to serve. And he had hoped that he would live long enough to see the monument in Washington. And then he looked at me and he said, "But you know the way that we've been treated, I really don't care any more." Well I'm going to call him, and I'm going to tell him that the State of Maine does care. With what little it is, we have given him a tax cut. Ladies and gentlemen, congratulations and we can say that the Maine Senate has governed.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'll be very brief. I am going to be voting for this budget. I like the vast majority of it. I am concerned that we have so many cushions on the school funding formula that we almost don't have a formula, or we're close to it.

But for me on page eight of the budget, lines forty-two through forty-eight, we are sticking to the pledge we made to the poorest school districts in the State of Maine by increasing the per-pupil guarantee this year from four thousand three hundred and seven dollars to four thousand six hundred and eighty-seven dollars. We've met that goal for the poorest schools. Remember three years ago it was at three thousand seven hundred and seventy dollars and then it went to four thousand twenty dollars then it was increased last year to four thousand three hundred and seven dollars. This year it's forty-six eighty-seven. Next year, hopefully, it's going to be increased to five thousand two hundred and four dollars per student. So that a child born anywhere in this state does have an equal chance at receiving a good education. That to me is huge, and that's in this budget. And that's why I'm going to swallow hard and just kind of put the warning out there that next year I don't think we're going to be able to afford several cushions and we're going to have to rely upon the formula as it's designed to work. And that's going to be painful next year for some schools. But this per-pupil guarantee promise that we made three years ago is being met. And that to me is huge for many many school districts in Maine that are now just beginning to approach equity. So I urge your support of this budget, thank you.

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

Senator **SMALL:** Thank you Mr. President. Men and women of the Senate, I knew when we began this session this year with our even numbers that this was going to be an historic session. I

guess I didn't realize it would be so historic that I would actually be supporting a budget and that I would actually be advocating for the budget that we put out.

I, too, share some of the concerns that the good Senator from Androscoggin, Senator Nutting mentioned about the cushion to the formula and I also have grave concerns about the merit of endowing a program that we haven't even had up and running. But I was able to put aside some of those concerns, that there were other things in the budget that I felt perhaps outweighed some of the concerns that I brought. And for the first time, and I have to say in all the years that I've been here, for the first time it was a remarkable experience to be a participant of the budget process, and actually be there to advocate for my caucus. Because I can say that there are no bills or pieces in that, that are necessarily something that I felt that strongly about, but they are all things that my caucus feels strongly about and I think that the citizens also support.

It was a really unique opportunity for the good Senator from Piscataquis, Senator Davis who just alluded to the words "to govern." And think we have stolen that from the President Pro Tem, the Senator from Oxford, Senator Bennett. But he did make the fact that the first time for many of us Republicans, who have been in the minority, this is kind of a new experience because we do have an equal rule in governing both this body and this Legislature. So we can no longer just sit back and say, "well, we don't really like it so we're not going to vote for it." Or, "well I guess we can live with it and some of us will pass it and get the majority needed to pass it." For the first time we actually had an obligation to be participants in the process and I'm pleased that the process worked as well as it did.

Obviously it was a little bit cumbersome at the first when we had to kind of walk our way through this with the first budget and go from there, but what I have learned in working with my counterparts on the other side of the aisle is the fact that we're not really that far apart on many issues. It was almost interesting some time when we would be kind of negotiating, and I'm thinking to myself "gee, I don't really mind what they want and if I can get something that I want that is a win/win for us." And I'm sure that they were also thinking that when we were pushing for the Veteran's tax break that it's also something that they would support. For the first time I really had an opportunity to learn just how close we are on many of the issues. And for that I am very thankful to have had the opportunity to have that shared experience. And I think, although we face very, very tough challenges on the Part II, and I don't think anybody has any illusions that it's going to be easy. I think we have forged a real partnership here that we can take with us when we go into the even tougher issues of Part II and new and expanded programs and the Table. And for that I think this process has been very healthy and very beneficial and I think it's going to bode us well when we go into the tough negotiations that will be needed to solve Part II.

For that reason I am very pleased to be supporting this budget and Mister President, I request that when this vote is taken it be taken by the yeas and nays.

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

Senator **MITCHELL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I certainly listen intently to the good Senator from Hancock, Senator Goldthwait and agree with her

comments. My major concern, of course, on this budget is education. We worked very closely with Appropriations in trying to come up with an affordable amount of monies to put into a cushion. Not a hardship cushion that would help get away from the hardship cushion and go along with the amount of cushion each year for the next four years. And to also be realistic at what we're looking at for the year '03 with the governor's budget only being three percent and looking at this budget, putting so much money into a cushion when it should be going into the formula, and to also ignore the fact that we're flat funding '03 and we're only putting 4.5 million in, which is a very low percentage towards the three percent for '03. Many Superintendents are very, very concerned throughout our state on how we're going to be able to fund '03. This looks good and if we can move forward, which we need to do, I will vote for the budget with hope that we are going to be able to meet our goals in here and in this budget that is written and the Amendment "N" and certainly we'll work diligently with Appropriations to try to secure more monies for our education K through 12 as well as our higher education, which would not be able to survive on this and hopefully we'll all be able to see a surplus at the end of next year. And we will be able to fund education at the level that we all in this body want to fund education at.

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

Senator **DOUGLASS:** Mister President. Men and women of the Senate, I rise to say congratulations to all who have worked so hard on this budget, and to recognize that this has been a long hard process. A word of caution is in order because I share the other Senator from Androscoggin, Senator Nutting's concern about our funding of service centers. I'm also concerned about the amount that we've put into education that does not go through the formula. I will be voting in support of this budget but I think it's important to go on the record with a statement that indicates that we will have to face some very hard choices in our next steps. And we may be putting off some inevitable down turns in funding education for those districts that have lost students. By having those cushions we will have to face that choice another day. But we also must recognize that service centers are among the highest taxed in our state and they deserve our support in the next steps that we take. So I will be voting in support but I will have some of these concerns on my mind as we move forward from here.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by the Senator from Penobscot, President Michaud to Adopt Senate Amendment "N" (S-256) to Committee Amendment "A" (H-55). 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 (#85)**

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

NAYS: Senator: GOLDTHWAIT

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by President MICHAUD of Penobscot to ADOPT Senate Amendment "N" (S-256) to Committee Amendment "A" (H-55), PREVAILED.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, President Michaud.

President MICHAUD: Thank you Mr. President. Men and women of the Senate, when we had drafted Senate Amendment "N" there was some language changes that were absent, rather than have it printed with the language changes there will be an Amendment offered later on from the good Senator from Sagadahoc, Senator Small. So I hope that someone would table this until later in today's session pending arrival of that Amendment.

On motion by Senator DAGGETT of Kennebec, TABLED until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-55) as Amended by Senate Amendment "N" (S-256) thereto, in NON-CONCURRENCE.

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

JOINT ORDER - relative to Bill, "An Act to Amend the State's Overtime Law," S.P. 314, L.D. 1082  
S.P. 632

Tabled - May 24, 2001, by President Pro Tem BENNETT of Oxford

Pending - motion by Senator PENDLETON of Cumberland to PASS

(In Senate, May 24, 2001, on motion by Senator PENDLETON of Cumberland, READ.)

On motion by Senator PENDLETON of Cumberland, PASSED.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Require Employers to Offer Benefits to Cohabitants of Employees"

H.P. 1057 L.D. 1420

Reported that the same Ought Not to Pass.

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland  
SMITH of Van Buren  
YOUNG of Limestone  
MAYO of Bath  
O'NEIL of Saco  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHE of Waterville  
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-594).

Signed:

Representative:

MICHAEL of Auburn

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Reports READ.

On motion by Senator LAFOUNTAIN of York, the Majority OUGHT NOT TO PASS Report ACCEPTED, 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 Implement the Recommendations of the Task Force to Study Growth Management"

S.P. 380 L.D. 1278  
(H "B" H-537 to C "A" S-139)

In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-139) AS AMENDED BY HOUSE AMENDMENT "B" (H-537)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-139) AS AMENDED BY HOUSE AMENDMENT "C" (H-563)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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 Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine" (EMERGENCY)

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

In Senate, May 14, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY HOUSE AMENDMENT "A" (H-573)** thereto, in **NON-CONCURRENCE**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth"

H.P. 728 L.D. 948

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-554)**.

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

MARLEY of Portland  
McNEIL of Rockland  
BOUFFARD of Lewiston  
PARADIS of Frenchville

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

Signed:

Representatives:

COLLINS of Wells  
WHEELER of Eliot  
WHEELER of Bridgewater  
FISHER of Brewer  
McKENNEY of Cumberland  
BUNKER of Kossuth Township

Comes from the House with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **SAVAGE** of Knox, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

**READ ONCE**.

Committee Amendment "A" (H- 554) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Change the Status of the Discount State Liquor Store in Calais"

H.P. 984 L.D. 1321

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-502)**.

Comes from the House with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report **READ**.

On motion by Senator **SHOREY** of Washington, **TABLED** 1 Legislative Day, pending **ACCEPTANCE OF REPORT**, in **NON-CONCURRENCE**.

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

**ENACTORS**

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

**Act**

An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags

H.P. 1351 L.D. 1808  
(S "A" S-215)

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

Senator **DOUGLASS:** Mr. President, I rise because 2 bills coming from my committee required some amendment and I'm uncertain whether this is one of them. So I request that we tabled this until later in today's session.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the State Harness Racing Commission to Appoint Judges for Harness Races"

H.P. 220 L.D. 255

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

DOUGLASS of Androscoggin  
BROMLEY of Cumberland

Representatives:

LABRECQUE of Gorham  
ESTES of Kittery  
TUTTLE of Sanford  
PATRICK of Rumford  
MAYO of Bath

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-506)**.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

CHIZMAR of Lisbon  
COTE of Lewiston  
O'BRIEN of Lewiston  
HEIDRICH of Oxford  
DUNCAN of Presque Isle

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Permit Foster Parents to Purchase Group Health Insurance"

H.P. 275 L.D. 353

Reported that the same **Ought to Pass**.

Signed:

Representatives:

DUDLEY of Portland  
SMITH of Van Buren  
YOUNG of Limestone  
MAYO of Bath  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHE of Waterville

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

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

O'NEIL of Saco  
GLYNN of South Portland  
MICHAEL of Auburn

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **MARTIN:** Thank you, Mr. President. I wonder if I could pose a question through the chair.

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

Senator **MARTIN:** To any of the 3 members of the signing of the Ought Not to Pass Report, why would this not make good sense and in fact lower the cost to the state in terms of paying for that insurance?

**THE PRESIDENT PRO TEM:** The Senator from Aroostook, Senator Martin poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you, Mr. President, men and women of the Senate. What the bill proports to do does make good sense. However, it's currently already a law. We have in our statute books a provision that says that groups can form, associations can form, and purchase group health insurance. They can not be formed solely for the purposes of purchasing group health insurance. Foster parents have been around for years. They currently are eligible under current statute to go out and buy group health insurance. The problem that they have

been having, however, is that they cannot find a carrier which will sell to the group. This would not be addressed by this piece of legislation.

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

Senator **MARTIN:** May I pose an additional question through the chair?

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

Senator **MARTIN:** I am wondering why the legislation that we have before us could not be amended to allow individual foster parents to buy and purchase group health insurance for within the household, forgetting the group because, obviously, the group these days would find it very difficult to do that?

**THE PRESIDENT PRO TEM:** The Senator from Aroostook, Senator Martin poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you, Mr. President. I'm not quite sure if I understand the question, but individual foster parents are certainly eligible at this time to go out and purchase individual plans. If they are looking to do it through a group, they currently are an association, they are eligible as a group to go out and buy it. Again, as I stated, negotiations that they have entered into with specific carriers, they have not been able to find someone who will actually sell to the group. That is an issue, possibly, that the insurance carriers can answer for you as to why they will not sell to that group. It may not be that it's an attractive enough group as far as size to sell to.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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## ORDERS OF THE DAY

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

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

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

Tabled - May 24, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 14, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180).**)

(In House, May 24, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180) AS AMENDED BY HOUSE AMENDMENT "A" (H-573)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **CARPENTER** of York, the Senate **RECEDED** and **CONCURRED.**

(In Senate, March 29, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto, in **NON-CONCURRENCE.**)

(In House, March 30, 2001, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**)

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Senate at Ease.

Senate called to order by President Pro Tem  
**RICHARD A. BENNETT** of Oxford.

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

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

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**RECESSED** until 6:00 in the afternoon.

After Recess

Senate called to order by the President.

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Off Record Remarks

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#### **ORDERS OF THE DAY**

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)  
H.P. 256 L.D. 300

Tabled - May 24, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "N" (S-256)** thereto, in **NON-CONCURRENCE.**

(In House, March 28, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55).**)

(In Senate, April 5, 2001, on motion by President Pro Tem **BENNETT** of Oxford the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto. **RECEDED** from **ADOPTION** of **COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36)** thereto. **RECEDED** from **ADOPTION** of **SENATE AMENDMENT "K" (S-36)** to **COMMITTEE AMENDMENT "A" (H-55)** and **INDEFINITELY POSTPONED** same. On motion by Senator **LEMONT** of York, **SENATE AMENDMENT "M" (S-44)** to **COMMITTEE AMENDMENT "A" (H-55) READ** and **ADOPTED**. **COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "M" (S-44)** thereto, **ADOPTED**, in **NON-CONCURRENCE**.)

(In Senate, May 24, 2001, on motion by President **MICHAUD** of Penobscot, the Senate **RULES SUSPENDED** and **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-55) as Amended by Senate Amendment "M" (S-44) thereto, in **NON-CONCURRENCE**. On further motion by same Senator, **RULES SUSPENDED** and **RECONSIDERED ADOPTION** of Senate Amendment "M" (S-44) to Committee Amendment "A" (H-55), in **NON-CONCURRENCE**. On further motion by same Senator, Senate Amendment "M" (S-44) to Committee Amendment "A" (H-55) **INDEFINITELY POSTPONED**. On further motion by same Senator, Senate Amendment "N" (S-256) to Committee Amendment "A" (H-55) **READ** and **ADOPTED**.)

On motion by Senator **SMALL** of Sagadahoc, Senate Amendment "O" (S-260) to Committee Amendment "A" (H-55) **READ** and **ADOPTED**.

Committee Amendment "A" (H-55) as Amended by Senate Amendments "N" (S-356) and "O" (S-260) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **LAFOUNTAIN:** Thank you Mr. President,. Men and women of the Senate, I rise this evening to encourage the members of this chamber to support Senate Amendment 'O'. It's not often that you see Amendments to the budget that contain provisions that come from the Banking and Insurance Committee and what Senate Amendment "O" contains is ninety percent of an Amendment, House Amendment 586 to LD 802 which deals with the issue of hospice. The remaining portion of that Senate Amendment contains provisions that the Committee unanimously sent over to the Bureau of Insurance for a study dealing with the issue of hospice care. And on behalf of the Committee, the Banking and Insurance Committee would ask you to support Senate Amendment "O".

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

Senator **GOLDTHWAIT:** Mr. President, Ladies and Gentleman of the Senate. I would just like to reassure the good senator from York, Senator LaFountain that I have no problem with Amendment "O" and it is simply the entire package I am requesting a Roll Call on. Amendment "O" is a very nice Amendment. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (H-55) as Amended by Senate Amendments "N" (S-356) and "O" (S-260) thereto, in non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#86)**

**YEAS:** Senators: **BENNETT, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MCALEVEY, MILLS, MITCHELL, NUTTING, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - MICHAEL H. MICHAUD**

**NAYS:** Senator: **GOLDTHWAIT**

**ABSENT:** Senators: **ABROMSON, LONGLEY, O'GARA**

31 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 3 Senators being absent, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENTS "N" (S-356) AND "O" (S-260)** thereto, in **NON-CONCURRENCE**.

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

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

**PAPERS FROM THE HOUSE**

**Joint Orders**

The following Joint Order: **H.P. 1357**

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Taxation report out, to the House, a bill related to the suspension of property tax abatement appeals when a taxpayer is delinquent in paying property taxes.

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

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

An Act to Amend the Election Laws

H.P. 798 L.D. 1042  
(C "A" H-527)

The following Joint Order: H.P. 1358

ORDERED, the Senate concurring, that the Joint Standing Committee on Banking and Insurance report out, to the House, a bill requiring a study and cost estimates by certain state agencies regarding the impact on the state budget of persons with mental illness and information on the cost-shifting to taxpayers of those costs from the private health insurance industry.

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

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 279

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES**

May 24, 2001

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

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on CRIMINAL JUSTICE on Bill "An Act to Require Lifetime Probation for Dangerous Sexual Offenders"  
(H.P. 374) (L.D. 476)

Sincerely,  
S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE**.

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

**ENACTORS**

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

**Acts**

An Act to Improve the Health Care and Forensic Response for Victims of Sexual Assault

H.P. 1133 L.D. 1530  
(C "A" H-550)

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator TURNER for the Committee on **LABOR** on Bill "An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act"

S.P. 575 L.D. 1753

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-259)**.

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

**READ ONCE**.

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259)**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Discourage Sales of Tobacco to Minors"

H.P. 953 L.D. 1267

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

- LONGLEY of Waldo
- MARTIN of Aroostook
- TURNER of Cumberland

Representatives:

- FULLER of Manchester
- BROOKS of Winterport
- DUDLEY of Portland
- LAVERRIERE-BOUCHER of Biddeford
- KANE of Saco
- SHIELDS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-597)**.

Signed:

Representatives:

- DUGAY of Cherryfield
- LOVETT of Scarborough
- O'BRIEN of Augusta
- NUTTING of Oakland

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

**RECALLED FROM GOVERNOR'S DESK**

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

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

(In Senate, May 18, 2001, **FINALLY PASSED**, in concurrence.)

(**RECALLED** from the Governor's Desk pursuant to Joint Order S.P. 631, in concurrence.)

On motion by Senator **DAGGETT** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Resolve was **FINALLY PASSED**, in concurrence.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending **FINAL PASSAGE**, in concurrence.

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**ORDERS OF THE DAY**

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

An Act to Amend Eminent Domain Powers  
H.P. 99 L.D. 103  
(C "A" H-528)

Tabled - May 24, 2001, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence

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

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**, in concurrence.)

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

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

An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags

H.P. 1351 L.D. 1808  
(S "A" S-215)

Tabled - May 24, 2001, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215)**.)

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

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

Senate at Ease.

Senate called to order by the President.

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On motion by Senator **MILLS** of Somerset, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)** the following:

"An Act to Clarify Rights of Retainage in Public Construction Contracts"

S.P. 514 L.D. 1633  
(C "A" S-245)

(In Senate, May 24, 2001, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)**.)

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-245).

On motion by Senator **MILLS** of Somerset, **TABLED** 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-245).

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#### ORDERS OF THE DAY

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

##### Emergency Measure

An Act to Pay for Cleanup of Contamination at a Waste Oil Disposal Site in Plymouth

H.P. 1051 L.D. 1408  
(C "A" H-496)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)**, in concurrence.)

(In House, May 23, 2001, **PASSED TO BE ENACTED**.)

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

Senator **GOLDTHWAIT:** Thank you, Mr. President, ladies and gentlemen of the Senate. With this bill there was some debate about whether it belonged on the table or not. Having sent it

there, the decision was that it did not. Therefore we are removing it. Thank you.

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.

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

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On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Friday, May 25, 2001, at 9:00 in the morning.