

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

In Senate Chamber
Thursday
February 14, 2002

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

Prayer by Reverend Calvin Dame, Unitarian Universalist Community Church in Augusta.

REVEREND DAME: Let us pray. Oh great and gracious Spirit, present to men and women in all times and ages, called by a thousand different names, and known in the human heart by no name at all, be present with us. Help us to be thankful this day for the gift of life which is ours. A gift which we did not chose, which we cannot earn, which no money can buy. For life, which is to us a gift, may we be grateful. May we cultivate for ourselves those virtues by which we are made stronger and through which the world is made more gracious and more fair. We pray for wisdom, that our actions may be guided towards that which is good and true. We pray for enthusiasm, that we might meet the challenges of this day with energy and with conviction. We would pray for a larger vision, that we might be able to lift our eyes above the clamber of the day. And we would pray for hope, that we might live in affirmation and not in fear. We would pray for compassion, so that we might truly understand that all men and women are our brothers and sisters, that all who are upon this earth live share in just one destiny, our own destiny. Finally, we would pray for courage, that we might not only see the right thing to do but find it in ourselves to act in accordance with our best hopes and with our beliefs, even when it is difficult and even when we are fearful. This we pray in the name of all that is holy. Amen.

Doctor of the day, Laurel Coleman, M.D. of Augusta.

Reading of the Journal of Wednesday, February 13, 2002.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by President Pro Tem **MICHAUD** of Penobscot, the following Joint Order: S.P. 775

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 19, 2002, at 9:30 in the morning and the Senate Adjourns until Tuesday, February 19, 2002, at 10:00 in the morning.

READ and PASSED.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding Certain Educational Requirements for Licensed Social Workers"

S.P. 709 L.D. 1911
(C "A" S-411)

In Senate, February 12, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-411).**

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

On motion by Senator **SHOREY** of Washington, the Senate **RECEDED** and **CONCURRED**.

Bill "An Act to Further Protect the Nesting Habitat of Endangered and Threatened Species"

H.P. 1603 L.D. 2104

Committee on **INLAND FISHERIES AND WILDLIFE** and suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Senator **CARPENTER** of York moved to **REFER** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

On motion by Senator **NUTTING** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **CARPENTER** of York to **REFER** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**.

Joint Orders

The following Joint Order: H.P. 1606

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, legislation requiring penalties for environmental violations to be deposited in the General Fund.

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

READ.

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

The following Joint Order: H.P. 1607

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, legislation regarding solid waste disposal facilities.

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

READ.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 774

**STATE OF MAINE
120TH MAINE LEGISLATURE**

February 13, 2002

Hon. Betty Lou Mitchell
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Hon. Shirley K. Richard
House Chair, Joint Standing Committee on
Education and Cultural Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Elinor Multer of Orr's Island and Joyce McPhetres of Waterville for reappointment as members of the State Board of Education.

Pursuant to Title 20-A, M.R.S.A., §401, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.C. 570

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON JUDICIARY**

February 7, 2002

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	3	Ferguson of Oxford, McAvey of York, Rand of Cumberland
	Representatives	8	Bull of Freeport, LaVerdiere of Wilton, Madore of Augusta, Mendros of Lewiston, Mitchell of Vassalboro, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
NAYS		0	
ABSENT		2	Rep. Jacobs of Turner, Rep. Muse of South Portland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael M. Hastings of Hampden, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#219)

YEAS: Senators: None

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

ABSENT: Senators: BROMLEY, GAGNON, KILKELLY, LONGLEY, MILLS, RAND

EXCUSED: Senator: KNEELAND

No Senator having voted in the affirmative and 27 Senators having voted in the negative, with 6 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael M. Hastings** of Hampden, for reappointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

ORDERS

Joint Order

On motion by Senator **MITCHELL** of Penobscot, the following Joint Order: S.P. 773

ORDERED, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the Senate, a bill concerning school governance.

READ and PASSED.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Loan Broker Law"

H.P. 1396 L.D. 1835

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-789).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-789).**

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

READ ONCE.

Committee Amendment "A" (H-789) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning the State Board of Funeral Service"

H.P. 1438 L.D. 1935

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-788).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-788).**

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

READ ONCE.

Committee Amendment "A" (H-788) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws"

H.P. 1550 L.D. 2053

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-793).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793).**

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

READ ONCE.

Committee Amendment "A" (H-793) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Enact the Paperwork Reduction Act"

H.P. 846 L.D. 1118

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-790).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-790).**

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

READ ONCE.

Committee Amendment "A" (H-790) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure"

H.P. 1514 L.D. 2017

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-779).**

Signed:

Senators:

SHOREY of Washington
YOUNGBLOOD of Penobscot
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
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.**

Signed:

Representative:

MURPHY of Kennebunk

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-779).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-779) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing the Washington County Emergency Medical Services Authority"

H.P. 1490 L.D. 1993

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-792).**

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:
BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford

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

Signed:

Representatives:
KASPRZAK of Newport
CRESSEY of Baldwin

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-792) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants"

H.P. 1405 L.D. 1843

Bill "An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services"

H.P. 1452 L.D. 1949

Bill "An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais"

H.P. 1479 L.D. 1980

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

(C "A" H-776)

Bill "An Act Regarding Fire Inspections for Foster Homes"
H.P. 1409 L.D. 1847

READ A SECOND TIME.

On motion by Senator **LONGLEY** of Waldo, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY)
H.P. 1428 L.D. 1925

READ A SECOND TIME.

On motion by Senator **LONGLEY** of Waldo, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Provide Property Tax Relief from the Cost of Public Transportation"
H.P. 386 L.D. 507
(C "A" H-780)

Bill "An Act to Provide Enhancements to the Small Enterprise Growth Program"
H.P. 1420 L.D. 1868
(C "A" H-778)

Bill "An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels"
H.P. 1451 L.D. 1948
(C "A" H-777)

Bill "An Act to Create the Adult Education Outreach Grant Program"
H.P. 1530 L.D. 2033
(C "A" H-774)

Bill "An Act to Increase Home Ownership" (EMERGENCY)
H.P. 1533 L.D. 2036
(C "A" H-763)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act to Amend the Election Laws"
H.P. 1519 L.D. 2023

READ A SECOND TIME.

On motion by President Pro Tem **MICHAUD** of Penobscot, the Senate **RECONSIDER** whereby it **ADOPTED** Committee Amendment "A" (H-776), in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ADOPTION** Committee Amendment "A" (H-776), in concurrence.

Senate

Bill "An Act to Improve the Juvenile Drug Court Program"
S.P. 658 L.D. 1850

READ A SECOND TIME and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

Senate As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds
S.P. 705 L.D. 1907
(C "A" S-419)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Repeal the Sunset Provision Regarding the State Police Providing Services at Cost to Governmental and Nongovernmental Entities
H.P. 1457 L.D. 1954
(C "A" H-766)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO**

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

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

Seven members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Adjust the Salary of the Governor"

S.P. 690 L.D. 1892

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-420)**.

Signed:

Senators:

GOLDTHWAIT of Hancock
CATHCART of Penobscot

Representatives:

BERRY of Livermore
MAILHOT of Lewiston
TESSIER of Fairfield
BRANNIGAN of Portland
ETNIER of Harpswell

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought To Pass as Amended by Committee Amendment "B" (S-421)**.

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton
BELANGER of Caribou
ROSEN of Bucksport

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought Not To Pass**.

Signed:

Representatives:

LIBBY-JONES of Greenville
WINSOR of Norway

Reports **READ**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

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

Senator **CARPENTER** of York was granted unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Further Protect the Nesting Habitat of Endangered and Threatened Species"

H.P. 1603 L.D. 2104

Tabled - February 14, 2002, by Senator **NUTTING** of Androscoggin

Pending - motion by Senator **CARPENTER** of York to **REFER** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in **NON-CONCURRENCE**

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.)

(In House, February 13, 2002, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.)

On motion by Senator **CARPENTER** of York, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program"
H.P. 375 L.D. 477

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-783)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - February 12, 2002, by Senator **GOLDTHWAIT** of Hancock

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

(In House, February 7, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-783)**.)

(In Senate, February 12, 2002, Reports **READ**.)

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

Senator **MILLS:** Mr. President, before this matter is acted on, may I speak briefly to it? I'm the sole member who voted against this in committee and I need to explain, briefly, that it was not because I think ill of the program. We have an absolute, desperate need for supplying better dental services, not only to poor children, but to adults as well. We have one of the lowest numbers of dentist per capita of any state in this region of the country and I think in the country at large. My frustration with the bill is that I wasn't at all confident that raising the Medicaid reimbursement rate will make even a dent in the problem. However, I am informed that it may help the economic viability of some of the clinics that are providing very valuable services to these under served populations. The other reason for my

concern is that this is basically an augmentation of an existing program in an economic environment, a funding environment, where we are doing all that we can simply to preserve funding to existing programs, nursing homes or community mental health services and for so many other programs that were proposed to be cut in the Governor's budget. That explains my committee vote. If it's the will of the chamber that this pass under the gavel and go down to the Appropriations Table, I'm content with that. But I needed to explain my vote and my reason for voting against this rather worthy cause. Thank you.

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

READ ONCE.

Committee Amendment "B" (H-783) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services"
H.P. 779 L.D. 1023

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-785)** (10 members)

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

Tabled - February 12, 2002, by Senator **GOLDTHWAIT** of Hancock

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

(In House, February 7, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-785)**.)

(In Senate, February 12, 2002, Reports **READ**.)

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

Senator **MILLS:** Mr. President, if I may speak to this issue as well. We're confronted, once again, in the Appropriations Committee with a worthy proposal for new spending. I was one of three that voted against it for the reason that I could not understand how we, as an Appropriations Committee, can expect the policy committees to be as disciplined as we want them to be

if we are putting new programs on the table. There is nothing that I have to say that would in any way denigrate the proposal that is currently before you. But I felt compelled to rise and explain the basis for my vote. The cause and the need for additional funding to provide greater outreach for HIV services is well documented. They have not had an increase for many years. I voted against it in committee because I felt that, in the current funding environment, it was irresponsible for me to simply endorse a proposal and send it along to the Appropriations Table. Thank you.

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

Senator **GOLDTHWAIT:** Mr. President, ladies and gentlemen of the Senate, as I predicted yesterday to the good Senator from Sagadahoc, Senator Small, I would have occasion myself to be on my feet defending a bill that was going to go to the Appropriations Table. I have tried to make every effort to really prioritize the bills that came before us. For this particular bill, we did alter the fiscal note rather significantly by eliminating the '02 funding since the timing of the bill is such that there is not much point in providing funding for the year that we're already in. So that did decrease the fiscal note. More importantly, there is an issue that was considered in the budget process regarding a waiver for the provision of medications for HIV - AIDS patients. The two issues are rather linked. I don't expect that we will be able to fund both of them, but it would be helpful if we could weigh the benefits of the waiver proposal, which are not in separate legislation, against this service proposal, which is in a separate bill. In order to do that, we would like to have it on the table so that, in the event we can provide funding for either one, we can make a choice if we need to between those two issues. That is a large part of my support, in addition to the services it provides, for sending this bill back down and letting us look at those two things together. Thank you.

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

READ ONCE.

Committee Amendment "B" (H-785) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Continue the Sales Tax Exemption on Vehicles Sold and Leased and Removed from the State" (EMERGENCY)

H.P. 916 L.D. 1230

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-784)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - February 12, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, February 7, 2002, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-784).**)

(In Senate, February 12, 2002, Reports **READ.**)

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

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

Senator **MILLS:** This is a very awkward bill and the awkwardness arises in the writing of the fiscal note that is attached to the possible consequences from the passing of it. At the present time, as unbelievable as this may seem, I understand that when a person leases a motor vehicle within the State of Maine, they have to pay a sales tax on the entire accumulated payments that may fall due under the lease. For example, if it is a three year lease and there are 36 payments, you take the payments, multiply by 36, then you add 5% to that. The whole purpose of leasing a vehicle, I think for many people, is to avoid a down payment because many people who lease vehicles either don't have a down payment or it is inconvenient for them to come up with one, so under a lease arrangement, you have to pay all of the sales tax on all of the payments at the beginning. So the first check that you write to the dealer may entail not just the first months rent, but 5% of the aggregate payments that you are making under the term of the lease. If you take that vehicle home to another state, and if they charge a sales tax on lease payments, and most states, as I understand it, in this region charge on the lease payment as it accrues month to month. So if you have the misfortune to have bought a vehicle in Maine, you have paid the entire sales tax on the accumulated lease payments and then you go back to, let's say, Massachusetts where my understanding is that you would then start paying sales tax on the lease payments as they hit you. So you're paying a double sales tax. It doesn't make any sense and the best evidence that it doesn't make any sense is the fact that nobody is buying, nobody from out-of-state anyway, any leased vehicles in Maine. So if we change that law, and we went to a system that conforms more closely to what other states do, one would ask, logically, why is there an adverse fiscal note on this bill, because if we're selling only a trickle of vehicles to interstate commerce at the present time on leases, why wouldn't we be gaining in tax revenue in some fashion if we had more sales through changing the law? I haven't kept up with all of the maceration's of this lately, but my understanding is that the sponsor has been helping to gather data from automobile dealerships around the state to see if we can educate the people who write the fiscal notes to a somewhat more enlightened or dynamic perspective on what the tax impacts are from the passage of this bill. Admittedly, if it's passed in this current form, and I must say I think it was the will of most of us on the

committee that we pass the bill even with a fairly substantial fiscal note on it, and give the bill time to get back down to the table in hopes that we might eradicate the fiscal note and get the bill passed on that basis. If we're not successful in coming to a better informed and essentially a trivial fiscal note, then I have to tell you that I will not be in favor of allocating precious resources in this environment to funding a tax cut in this area. My hope would be that we could get some accurate data assembled between now and say next month and that we could work the fiscal note down into a range where it may be zero. Some have suggested that the fiscal note should actually be positive because if there are more sales on leases of motor vehicles like this, it will increase things like income taxes, corporate and personal, and have other beneficial effects. In any case, that is the tortured progress of this legislation so far. I rise to ask for a division with a request that you vote against the pending motion, which is the motion to Accept the Ought Not to Pass report, and to vote no on the pending motion. Thank you.

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

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

Senator **GAGNON:** Thank you, Mr. President, men and women of the Senate. This is a bill that has been carried over from last session. It is a tax relief bill for essentially those people who are out-of-state. This would only apply to vehicles that leave the state and would not be subject to the Maine sales tax. The information about how it is taxed and how leases are taxed is accurate. People within the State of Maine are paying tax on the use of the vehicle, or the leased value of the vehicle rather than, what used to be years ago, the entire value of the vehicle. We changed that a few years back. The leased value outside of the State of Maine would become tax exempt for those who are not residents within the State of Maine. When this first came to committee, I think it received a very positive report back. We are looking at days when we had surpluses. I think it's a little bit ironic that we're contemplating cuts in a variety of different areas for the people of the State of Maine while we're considering tax cuts for people outside of the State of Maine. Consequently, I will be supporting the Ought Not to Pass report. Thank you.

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

Senator **CATHCART:** Thank you, Mr. President. Mr. President, men and women of the Senate, I rise to ask that you reject the Minority Ought Not to Pass report so that we can go on and vote Ought to Pass on this piece of legislation. It's a fairly small fiscal note and the majority of the committee really questioned whether it's a valid fiscal note because we believe that removing this sales tax on leased vehicles will encourage more people to lease their vehicles here in the State of Maine. The good Senator from Somerset, Senator Mills, has explained this very thoroughly for you. I won't take up your time. I will say, in the beginning most of the testimony that we had, written testimony, was from southern Maine auto dealers, York County in particular, saying that they were losing their leases and their good customers to New Hampshire. We all know about the New Hampshire problem. But

I've heard also from Bangor auto dealers who say, 'many of our longtime customers either now reside in Florida or they go to Florida for the winter and we can't lease vehicles to them.' I just think this is a good pro-business bill and I don't really believe it will cost any money. I hope that they can get the fiscal note off. I ask you to vote against the pending motion so that we can pass this and get it to the Appropriations Table. Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you. Mr. President, ladies and gentlemen of the Senate. I was thinking of the description in the opening part of 'Bonfires of the Vanities' where the dog is being taken for a walk and is not too enthusiastic about it. He describes being pulled along on the leash, leaving toenail marks in the sidewalk all the way along Fifth Avenue. I'm afraid I'm going to feel a lot like that dog all the way through this session. In this case, despite the fact that it was only my co-chair from the other body and I who opposed this, I did so for the following reasons: one is that we most often, especially if it's our bill, disagree with fiscal notes and wish they could be otherwise. But to say that there is some unpredictable value to removing this tax in terms of increased sales and in terms of increased revenues is hardly what the fiscal office would call bookable money. So I think it is a valid fiscal note. I agree with the previous speaker about the fact that mainly relieves out-of-state buyers. If we're talking about the New Hampshire border, they don't have a sales tax, so I'm not sure why this would be an issue on that border. As well, there was a survey done by the Maine Automobile Dealers Association. Fifty-eight dealers responded. Of the total 7,000 leases reported, about 220 of them would qualify as an out-of-state lease. That's about 3%. It's really not a big proportion of their sales. Once again, as with every other issue that's come before our committee downstairs, I have been trying to weigh priorities. When I think about the other issues that we are facing, despite potential good news downstairs today, it's not going to be good enough news to fill this entire gap. I am still priority setting. This is not one of mine. I would urge you to support the Ought Not to Pass recommendation.

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

Senator **TURNER:** Thank you. Mr. President, ladies and gentlemen of the Senate. I'll try to be brief. I would ask you to vote against the pending motion and simply think of it in this fashion. Five percent of zero sales is zero. What our current structure for taxing purposes on leased vehicles has done is driven out-of-state lease sales to zero. You can talk with any of your automobile dealers and they will confirm that for you. I understand we're bound by the fiscal note. But I think the reality is that we will generate income tax for personal sales people and Senator Mills of Somerset referred to that. There will also be more corporate taxes paid because more sales will be generated as a result of this change. The sales tax implication, frankly, you should think zero sales times 5% equals zero dollars. I would urge you to reject the pending motion.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#220)

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

EXCUSED: Senator: KNEELAND

3 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "B" (H-784) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Limit the Number of Chances a Person Has in the Moose Lottery" H.P. 43 L.D. 52

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-781)** (5 members)

Tabled - February 12, 2002, by Senator **CARPENTER** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, February 7, 2002, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 12, 2002, Reports **READ**.)

On motion by Senator **CARPENTER** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence

The Chair laid before the Senate the following Tabled and Later (2/12/02) Assigned matter:

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, for a Multi-year Experimental Program to Test the Effectiveness of Stocking Smelt in Maine Waters

H.P. 130 L.D. 141

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-786)** (7 members)

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

Tabled - February 12, 2002, by Senator **CARPENTER** of York

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence

(In House, February 7, 2002, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 12, 2002, Reports **READ**.)

On motion by Senator **CARPENTER** of York, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (2/13/02) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund the Endowment Incentive Fund" (EMERGENCY)

H.P. 33 L.D. 42

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-782)** (4 members)

Tabled - February 13, 2002, by Senator **GOLDTHWAIT** of Hancock

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, February 12, 2002, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 13, 2002, Reports **READ**.)

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

Senator **CATHCART**: Thank you, Mr. President. Mr. President, men and women of the Senate, I urge you to reject the Ought Not to Pass report so that we can go ahead and pass this. The endowment incentive fund is a wonderful program. It was unanimously supported in the 119th legislature by the Education Committee and I believe it went through under the hammer. It went to the Appropriations Table. It had a fiscal note of \$14 million, which is what it would cost to fund this endowment for scholarships for the University of Maine System campuses and for the Maine Technical College campuses and the Maine Maritime Academy. It wound up in the 119th being put into law but funded with only \$100,000. Well, they did a lot of good with the \$100,000. It certainly wasn't what we hoped for, but what the endowment incentive requires is a one-to-one private match for the state dollars. We all know that if you can give money and double you're dollars, you're more likely to be happy to give to that. It's a chance for alumni of these universities and colleges to give something and double their gift. Not only for the alumni that have plenty of money to give, but those who can only give a few hundred dollars. They can give and their money will be doubled. It's a wonderful way, gradually, that the state can build a large enough endowment that we don't have to put millions of dollars every year into scholarships, because only the interest from this endowment is used. We had testimony last year, this is a carry-over bill from Appropriations, from the University of Maine at Machias, the University of Maine of Farmington, not just the big campuses but the little ones, of how they got a few thousand dollars out of that \$100,000 and how they put it to good use and found a few supportive alumni and immediately raised the thousands of dollars to match it and were, therefore, able to give a little in scholarships. I urge you to reject this motion and support the Ought to Pass as Amended. It's only \$100,000 again. I hope that someday we will have the foresight not just to look at this years budget and this years shortfalls but to plan for the future where we can have more and more of our people get college degrees and this is a great way to do it. I urge you to vote against that. Mr. President, I request a roll call.

The Secretary opened the vote.

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

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

Senator **GOLDTHWAIT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, once again, I certainly don't speak against this bill based on its merits, but simply on the need to establish some funding priorities. I would also call your attention to the fact that language for this bill states that this money goes 'for academic purposes.' It is not just limited to scholarships. It may involve many things. In fact, one facility says it can go to the funding of professorships and other endowed faculty positions. We have a number of other scholarship programs. I think we should be concentrating our firepower on selected numbers rather than creating more programs in this particular fiscal climate. So with all due respect to the value of higher education, for which I believe we have provided quite generously in the budget despite the difficulties we're facing, I would urge you to support the Majority Ought Not to Pass recommendation of the committee.

The Doorkeepers secured the Chamber.

ROLL CALL (#221)

YEAS: Senators: CARPENTER, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, LEMONT, MCALEVEY, MILLS, MITCHELL, RAND, SAVAGE, SMALL, TURNER, YOUNGBLOOD, THE PRESIDENT - RICHARD A. BENNETT

NAYS: Senators: BROMLEY, CATHCART, DAGGETT, EDMONDS, GAGNON, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MICHAUD, NUTTING, O'GARA, PENDLETON, ROTUNDO, SAWYER, SHOREY, TREAT, WOODCOCK

EXCUSED: Senator: KNEELAND

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GOLDTHWAIT** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "B" (H-782) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY)

H.P. 1428 L.D. 1925

Tabled - February 14, 2002, by Senator **LONGLEY** of Waldo

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, February 12, 2002, **PASSAGE TO BE ENGROSSED**.)

(In Senate, February 14, **READ A SECOND TIME**.)

On motion by Senator **LONGLEY** of Waldo, Senate Amendment "A" (S-423) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-423), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Amend the Election Laws"

H.P. 1519 L.D. 2023
(C "A" H-776)

Tabled - February 14, 2002, by President Pro Tem **MICHAUD** of Penobscot

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-776)**, in concurrence

(In House, February 12, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776)**.)

(In Senate, February 14, 2002, **READ A SECOND TIME**. On motion by President Pro Tem **MICHAUD** of Penobscot, **RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-776)**.)

On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "A" (S-422) to Committee Amendment "A" (H-776) **READ** and **ADOPTED**.

Committee Amendment "A" (H-776) as Amended by Senate Amendment "A" (S-422) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-776) AS AMENDED BY SENATE AMENDMENT "A" (S-422) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act to Enact the Paperwork Reduction Act"

H.P. 846 L.D. 1118
(C "A" H-790)

Bill "An Act to Amend the Laws Governing the Washington County Emergency Medical Services Authority"
H.P. 1490 L.D. 1993
(C "A" H-792)

Bill "An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure"
H.P. 1514 L.D. 2017
(C "A" H-779)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

PAPERS FROM THE HOUSE

Bill "An Act to Coordinate the Maine Overtime Pay Provisions with the Federal Fair Labor Standards Act Regarding Exceptions for Businesses Involved in the Transportation of Persons or Goods"
H.P. 1611 L.D. 2108

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statutes
Department of Audit**

The **Department of Audit** pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2002-2003" (EMERGENCY)
H.P. 1613 L.D. 2110

Be **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1610

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, legislation regarding economic development for small business.

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

READ.

On motion by Senator **SHOREY** of Washington, **TABLED** until Later in Today's Session, pending **PASSAGE**, 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 **CRIMINAL JUSTICE** on Bill "An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities"
H.P. 1464 L.D. 1961

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-796)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**.

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

READ ONCE.

Committee Amendment "A" (H-796) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 Mount Blue Water District
H.P. 1413 L.D. 1857
(C "A" H-773)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Clarify Recent Amendments to the Maine Consumer Credit Code
H.P. 1496 L.D. 1999

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Make Changes to the Respite Care Fund Administered by the Department of Human Services
H.P. 1441 L.D. 1938
(C "A" H-771)

An Act to Make Technical Changes to the Maine State Grant Program
S.P. 732 L.D. 2042

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

Resolve

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
H.P. 1403 L.D. 1842
(C "A" H-770)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Joint Order - establishing the Commission to Study Issues Concerning School Bus Drivers
S.P. 756

In Senate, January 25, 2002, on motion by President **BENNETT** of Oxford, **READ** and **PASSED**.

Comes from the House, House Amendment "A" (H-799) **READ** and **ADOPTED** and the Joint Order **REFERRED** to the Committee on **LABOR AS AMENDED BY HOUSE AMENDMENT "A" (H-799)**, in **NON-CONCURRENCE**.

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

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

Off Record Remarks

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

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

On motion by Senator **EDMONDS** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 19, 2002, at 10:00 in the morning.