

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

In Senate Chamber  
Thursday  
May 17, 2001

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

Prayer by Reverend Mark Rustin of the North Deering Congressional and Hiram Community Church in Portland.

**REVEREND RUSTIN:** Mr. President, honorable Senators, would you pray with me. Our God, we gather this day to pray for this august body, that they may recognize Your presence in their lives and that they may honor being lifted up out of this great state to govern and to lead. We ask Your presence with them in all their deliberations, that they might recognize the wholeness and fullness and beauty that You have given us in this state and the diversity of its people and that they may allow this people to feel honored by their service. We ask Your blessing with them always. In Your holy name, Amen.

Doctor of the day, Heidi Larson, M.D., of Portland.

Reading of the Journal of Wednesday, May 16, 2001.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Governing Registers of Deeds"  
H.P. 991 L.D. 1328  
(C "A" H-252)

In House, May 9, 2001, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

In Senate, May 10, 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-252)**, in **NON-CONCURRENCE**.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 285

**STATE OF MAINE  
120<sup>TH</sup> LEGISLATURE**

May 11, 2001

Honorable Joy O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under 3 MRSA § 901-A, we are pleased to appoint Lucille Cloutier of Augusta to the State House and Capitol Parks Commission.

Should you have any questions regarding this appointment, please contact us.

Sincerely,

S/Michael H. Michaud  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

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

Sent down for concurrence.

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Reinstate the Death Penalty for the Murder of Children" H.P. 1124 L.D. 1493

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

Signed:

Senator:  
McALEVEY of York

Representatives:

POVICH of Ellsworth  
O'BRIEN of Lewiston  
BLANCHETTE of Bangor  
QUINT of Portland  
PEAVEY of Woolwich  
GERZOFISKY of Brunswick  
MITCHELL of Vassalboro  
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-270).**

Signed:

Senators:

O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:

TOBIN of Dexter  
SNOWE-MELLO of Poland

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

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator GOLDTHWAIT for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

S.P. 132 L.D. 456

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-211).**

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

**READ ONCE.**

Committee Amendment "A" (S-211) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211).**

Sent down for concurrence.

Senator CATHCART for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance Economic Development Capacity"

S.P. 337 L.D. 1144

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-212).**

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

**READ ONCE.**

Committee Amendment "A" (S-212) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212).**

Sent down for concurrence.

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Senator LONGLEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Support the Medical Ride Volunteer Service"

S.P. 462 L.D. 1515

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-213).**

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

**READ ONCE.**

Committee Amendment "A" (S-213) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213).**

Sent down for concurrence.

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**ENACTORS**

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

**Act**

An Act to Raise the Minimum Wage

S.P. 504 L.D. 1591  
(C "A" S-63)

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

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

**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (5/7/01) Assigned matter:

JOINT ORDER - relative to the Joint Standing Committee on Business and Economic Development reporting to the House legislation ensuring statewide television broadcast of state high school basketball championship games  
H.P. 1317

Tabled - May 7, 2001, by Senator **SHOREY** of Washington

Pending - **FURTHER CONSIDERATION**

(In House, May 3, 2001, **READ** and **PASSED**.)

(In Senate, May 3, 2001, **READ** and on motion by Senator **SHOREY** of Washington, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

(In House, May 4, 2001, that Body **ADHERED**.)

On motion by Senator **WOODCOCK** of Franklin, the Senate **ADHERED**.

The Chair laid before the Senate the following Tabled and Later (5/8/01) Assigned matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Require Alien Big Game Hunters to be Accompanied by a Guide"  
S.P. 201 L.D. 673

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-142)** (6 members)

Tabled - May 8, 2001, by Senator **MARTIN** of Aroostook

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

(In Senate, May 8, 2001, Reports **READ**.)

Senator **MARTIN** of Aroostook moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

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

Senator **MARTIN:** Members of the Senate, the purpose of this piece of legislation was and is an attempt to try to deal with the problem of the lack of enforcement along the border with our neighbors to the north. We have a real problem when they come in normally in the fall, and set up tents, permanent tents in permanent areas, about 5 miles across the border. They will bring with them a number of people, and of course, there is absolutely no one there to watch them. The purpose of this was to require that they have a guide, so that we would have some knowledge of who is in the area. The department, over the years, has always fought this because they've always seen it as a loss of revenue because it may actually cause a drop in the number of people buying alien licenses. Of course the other side of that coin is that it would increase the deer herd for those people who come from other states and local people who go hunting in northern and western Maine. However, this is what they've always fought and this year the department put on a price tag of about \$100,000 of loss of license revenue if we were to enact this piece of legislation. After a great deal of consultation and perhaps a little prodding, the department has offered something that will work. That is to, basically, send in wardens who may not be doing quite as much in southern Maine during the deer season. They will send a couple along the border during that period to monitor what is going on. They will, in effect, be in a position to see what the impact is. My feeling is that after a couple of years of strong enforcement, that problem will drop. That is my goal and I have agreed with the position and the department has sent a letter to myself as well as to the chairs of the Committee on Inland Fisheries and Wildlife indicating their position and what it is they hope to accomplish. I'm convinced that if this works the way that they intend it, as I see it as well, that it will solve or at least alleviate the problem. That is why I move for Indefinite Postponement of my own bill.

On motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

**RECALLED FROM GOVERNOR'S DESK**

An Act to Increase Funding for the Maine Dental Education Loan Program  
H.P. 692 L.D. 896

(In Senate, May 7, 2001, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 624), in concurrence.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/15/01) Assigned matter:

An Act to Provide Public Employees Equal Access to Personnel Files

H.P. 910 L.D. 1224  
(C "A" H-319)

Tabled - May 15, 2001, by Senator **SMALL** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, May 8, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**, in concurrence.)

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

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

The Chair ordered a Division. 23 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **SMALL** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/16/01) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities

H.P. 52 L.D. 61

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-288)** (5 members)

Tabled - May 16, 2001, by Senator **ROTUNDO** of Androscoggin

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

(In House, May 15, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 16, 2001, Reports **READ**.)

The Chair ordered a Division. 19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** Bill "An Act to Legalize Hemp for Agricultural Purposes"

H.P. 882 L.D. 1174

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-310)** (5 members)

(In House, May 15, 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" (H-310)**.)

(In Senate, May 16, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

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

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

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 **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Enhance the Observance of Veterans' Holidays"

H.P. 937 L.D. 1251

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

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
- MURPHY of Kennebunk

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-465)**.

Signed:

Representative:

- MICHAUD of Fort Kent

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465)**.

Reports **READ**.

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

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-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 **CRIMINAL JUSTICE** on Bill "An Act to Limit Access to Firearms by Those Subject to Protection from Abuse Orders"

H.P. 847 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-469)**.

Signed:

Senator:

- O'GARA of Cumberland

Representatives:

- O'BRIEN of Lewiston
- BLANCHETTE of Bangor
- QUINT of Portland
- GERZOFKY of Brunswick
- MITCHELL of Vassalboro
- WHEELER of Bridgewater

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

Signed:

Senators:

- McALEVEY of York
- DAVIS of Piscataquis

Representatives:

- POVICH of Ellsworth
- TOBIN of Dexter
- PEAVEY of Woolwich
- SNOWE-MELLO of Poland

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

Reports **READ**.

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

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/16/01) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Enhance Local Accountability"

H.P. 1075 L.D. 1444

Report "A" - **Ought Not to Pass** (9 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (H-453)** (3 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-454)** (1 members)

Tabled - May 16, 2001, by Senator **ROTUNDO** of Androscoggin

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

(In House, May 16, 2001, Report "A", **OUGHT NOT TO PASS READ** and **ACCEPTED**.)

(In Senate, May 16, 2001, Reports **READ**.)

The Chair ordered a Division. 31 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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Senator **SAWYER** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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

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

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

After Recess

Senate called to order by the President.

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

**ENACTORS**

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

**Act**

An Act to Implement the Funding Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

H.P. 241 L.D. 293  
(C "A" H-413)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, 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 Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability"

H.P. 377 L.D. 479

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-491)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**.

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

**READ ONCE.**

Committee Amendment "A" (H-491) **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-491)**, 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 Resolve, to Amend the Requirements for Eye Care Services under the Maine Medical Assistance Manual

H.P. 702 L.D. 917

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-490)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490)**.

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

**READ ONCE.**

Committee Amendment "A" (H-490) **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-490)**, 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 to Make Child Care More Accessible for Parents in Transition From Welfare to Work"

H.P. 789 L.D. 1033

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-493)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-493)**.

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

**READ ONCE.**

Committee Amendment "A" (H-493) **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-493)**, 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve Services to Persons with Mental Retardation" (EMERGENCY)

H.P. 954 L.D. 1268

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-494)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494)**.

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

**READ ONCE.**

Committee Amendment "A" (H-494) **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-494)**, in concurrence.

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

**COMMUNICATIONS**

The Following Communication: H.C. 258

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES**

May 16, 2001

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on 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)

Representative TUTTLE of Sanford  
Representative SKOGLUND of St. George  
Representative PEAVEY of Woolwich

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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Off Record Remarks

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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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**RECESSED** until 2:00 in the afternoon.  
After Recess  
Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass  
Pursuant to Joint Order**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine"

H.P. 1353 L.D. 1810

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1951).

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.

(See action later today.)

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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 to Expand Benefits Under the Elderly Low-cost Drug Program"

H.P. 742 L.D. 961

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-492).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492).**

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

**READ ONCE.**

Committee Amendment "A" (H-492) **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-492)**, in concurrence.

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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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

H.P. 416 L.D. 537

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

Signed:

Senators:

DOUGLASS of Androscoggin  
BROMLEY of Cumberland  
WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham  
ESTES of Kittery  
TUTTLE of Sanford  
O'BRIEN of Lewiston  
HEIDRICH of Oxford  
PATRICK of Rumford  
DUNCAN of Presque Isle  
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-317)**.

Signed:

Representatives:

CHIZMAR of Lisbon  
COTE of Lewiston

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.

Reports **READ**.

On motion by Senator **BROMLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

**RECALLED FROM GOVERNOR'S DESK**

An Act to Amend the Laws Governing the Suspension and Revocation of Hunting and Fishing Licenses

H.P. 1095 L.D. 1464  
(C "A" H-344)

(In Senate, May 14, 2001, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 625), in concurrence.)

On motion by Senator **CARPENTER** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**, 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 Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole"

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

In Senate, April 26, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162) AND HOUSE AMENDMENT "A" (H-482)**, in **NON-CONCURRENCE**.

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

Off Record Remarks

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

**COMMUNICATIONS**

The Following Communication: S.C. 287

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1269 An Act to Provide for Maintenance of State-owned Land and Facilities

L.D. 1622 An Act to Regulate Camp Lot Leases

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard Kneeland S/Rep. Linda Rogers McKee  
Senate Chair House Chair

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

The Following Communication: S.C. 288

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 467 An Act to Make Career Information More Accessible to Maine Citizens

L.D. 470 An Act to Provide Mental Health Services at Shelters

L.D. 1316 An Act Requiring Reimbursement to Counties for Courthouse Facilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. Randall L. Berry  
Senate Chair House Chair

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

The Following Communication: S.C. 289

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BANKING AND INSURANCE**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 203 An Act to Establish Medical Savings Accounts

L.D. 354 An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III S/Rep. Christopher P. O'Neil  
Senate Chair House Chair

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

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

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The Following Communication: S.C. 290

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 780 An Act to Promote Economic Growth in the Penobscot Valley
- S.P. 91 Joint Study Order relative to the Joint Standing Committee on Business and Economic Development Study the Potential Alternatives for State Financing of the Construction of Meeting and Convention Facilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kevin L. Shorey  
Senate Chair

S/Rep. John G. Richardson  
House Chair

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

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The Following Communication: S.C. 291

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 453 An Act to Recognize the Special Circumstances of Border Hospitals
- L.D. 473 An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center
- L.D. 679 An Act to Expand Access to Health Care for Adults
- L.D. 820 An Act to Require a Public Hearing on Hospital Certificate of Need Proposals
- L.D. 1188 An Act to Provide for the Withdrawal of a Municipality from Hospital Administrative District No. 1 in Penobscot County
- L.D. 1302 An Act to Enhance Access to Health Care in Maine
- L.D. 1511 An Act to Increase Access to Primary and Preventive Services for Maine's Underserved Citizens

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley                      S/Rep. Thomas J. Kane  
 Senate Chair                                      House Chair

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

The Following Communication:      S.C. 292

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON JUDICIARY**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
 Honorable Michael V. Saxl, Speaker of the House  
 120th Maine Legislature  
 State House  
 Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 684 An Act to Require Courts to Take Federal Disability Payments into Account when Determining Child Support Awards

- L.D. 1611 Resolve, to Establish a Task Force to Study Parenting Alienation Syndrome and Related Issues

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Anne M. Rand                      S/Rep. Charles C. LaVerdiere  
 Senate Chair                                      House Chair

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

The Following Communication:      S.C. 293

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
LEGAL AND VETERANS' AFFAIRS**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
 Honorable Michael V. Saxl, Speaker of the House  
 120th Maine Legislature  
 State House  
 Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 194 An Act to Ensure Stability in Maine's Harness Racing and Off-track Betting Business
- L.D. 1228 An Act to Support the Right to Associate
- L.D. 1526 An Act to Institute a Citizens' Guide to Elections
- L.D. 1615 An Act to Provide Pricing Options to Agency Liquor Stores

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass                      S/Rep. John L. Tuttle, Jr.  
 Senate Chair                                      House Chair

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

The Following Communication:      S.C. 294

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 704 An Act to Establish the Rivers and Streams Restoration Fund
- L.D. 787 An Act to Require the Filing of Soils Tests
- L.D. 1155 An Act to Protect Maine Lakes from Milfoil and Other Invasive Plants

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Martin Senate Chair  
S/Rep. Scott W. Cowger House Chair

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

The Following Communication: S.C. 295

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY**

May 11, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 741 An Act to Mitigate Volatile Energy Costs
- L.D. 1538 An Act to Promote Retail Electricity Competition

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr. Senate Chair  
S/Rep. William R. Savage House Chair

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

**ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Enhance the Observance of Veterans' Holidays"

H.P. 937 L.D. 1251

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-465)** (1 member)

Tabled - May 17, 2001, by Senator **DAVIS** of Piscataquis

Pending - motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 16, 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" (H-465).**)

(In Senate, May 17, 2001, Reports **READ**.)

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

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

Senator **SHOREY:** Thank you very much, Mr. President, men and women of the Senate. I urge you to go with the committee report. It's a 12 to 1 report, which is Ought Not to Pass. This is not a slam at any of our veterans or anything else. This is an economic issue. Basically, if we go through with this, with the amendment which came to us from the House, we'd be looking at closing L.L. Bean, the Bangor Mall, and the Maine Mall on Memorial Day. I urge you to go with the committee and vote Ought Not to Pass. Thank you.

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

Senator **MARTIN**: Mr. President, I was more than happy to let this go without debate, but since the good Senator from Washington, Senator Shorey, has raised the issue I want to bring you back, for those of you who may not remember, to the law. This bill, basically, brings you back to that stage; that if you have more than 5,000 square feet, it used to be that you were closed on every Sunday under Maine law. Subsequently, the industry, those people with 5,000 or more square feet, were able to convince the legislature that we ought to open it for 3 weekends before Christmas. You may remember then that they could go shopping during that time. A number of years ago we opened it up the rest of the way. I am convinced that the time has come to look at the issue again.

Frankly, I don't think it's a bad idea at all that malls be closed on Memorial Day and give everyone an opportunity to think a little bit of what people have done for this country. It is not a question, in my opinion, as to whether or not we've done too much or too little for malls. We've done more, in my opinion, than we should have. You must know, in fact, that I'm not a believer in malls because they destroy downtowns. As a matter of fact, I've never been to the Presque Isle Mall, the Bangor Mall, etc., because of that belief. If everyone were to follow my line, we would have downtowns throughout Maine. Unfortunately that is not the case. The issue here today is a question of whether or not, in my opinion, you want to honor those people who have served this country. If you believe in that approach, then I ask you to vote against the Majority report.

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

Senator **WOODCOCK**: Thank you, Mr. President, men and women of the Senate. I am a Vietnam Veteran, and in my mind, it always will be an honor to serve our nation in whatever capacity any veteran might serve. However, we have come to the point in time where veterans have been in alliance with other facets of our society. In that connection, we have lost control of the meaning of veteran. Will closing L.L. Bean, the Bangor Mall, the Maine Mall redefine the meaning of veteran? In my opinion, it will not. Redefining the meaning of veteran starts in the American home with an attitude of why are veterans important to our nation. This is not a veteran's issue. This is purely an issue of should we return to the law of the old days? I would, out of great respect for the good Senator from Aroostook, Senator Martin, caution you that if everybody were to follow his lead, there would not be a downtown because everybody would be in downtown. Thank you, Mr. President.

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

Senator **CARPENTER**: Thank you, Mr. President, men and women of the Maine Senate. I am also a veteran living in southern Maine, very close to New Hampshire's busiest area which is full of malls. It won't help by closing down Maine malls. Thank you.

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

Senator **MARTIN**: Mr. President, the Senator from York, Senator Carpenter, has just raised a most interesting approach and the

way to handle that is to have people on the border to check for the sales tax like they do in northern Maine when you are on the Canadian border.

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

Senator **FERGUSON**: Thank you very much, Mr. President. I am a veteran and I did walk into the State House this morning with a sponsor of this bill. I told him that I was going to be speaking in 3 towns on the Veteran's Day weekend. He said 'well, I hope you have some people there to listen to you.' I do too, a few anyway. But I am a Korean War veteran. Sadly, I had to tell him that I wasn't going to support his bill. I'm not going to elaborate, but I think it's more important that we keep the commercial ventures open during that day. I can't see where, by closing the stores, it's going to help increase the participation at speaking events, parades, and things of that nature because I think people will be going to the beach or they'll be going to other places. With that in mind, I hope you would vote for the pending motion. Thank you.

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

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**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from York, Senator LaFountain to Accept the Majority Ought Not to Pass 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 (#62)**

**YEAS:** Senators: ABROMSON, BROMLEY, CARPENTER, DAGGETT, EDMONDS, FERGUSON, GOLDTHWAIT, KNEELAND, LEMONT, MCALEVEY, MILLS, MITCHELL, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD

**NAYS:** Senators: BENNETT, CATHCART, DAVIS, DOUGLASS, GAGNON, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, NUTTING, O'GARA, RAND, ROTUNDO, THE PRESIDENT - MICHAEL H. MICHAUD

**EXCUSED:** Senator: PENDLETON

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

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

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

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

Tabled - May 17, 2001, by Senator **MCALLEVEY** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, April 26, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**, in concurrence.)

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

Senator **MCALLEVEY** of York moved the Senate **RECEDE** and **CONCUR**.

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

Senator **MCALLEVEY:** Thank you, Mr. President. I have looked at the amendment from the other body. It sets a recording deadline process, that any future changes to this compact come back to this body and the other body as a subsequent rule change. That should be in accordance with what we should expect out of this. I apologize for not being prepared earlier to move it.

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

Off Record Remarks

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Limit Access to Firearms by Those Subject to Protection from Abuse Orders"

H.P. 847 L.D. 1119

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-469)** (7 members)

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

Tabled - May 17, 2001, by Senator **MCALLEVEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 16, 2001, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 17, 2001, Reports **READ**.)

On motion by Senator **MCALLEVEY** of York, **TABLED 1** Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

Off Record Remarks

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Reinstate the Death Penalty for the Murder of Children"

H.P. 1124 L.D. 1493

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-270)** (4 members)

Tabled - May 17, 2001, by Senator **DAGGETT** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 16, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 17, 2001, Reports **READ**.)

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

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

Senator **DAVIS:** Thank you, Mr. President. I would just like to speak very briefly, ladies and gentlemen of the Senate. In my career and my life, I always pretty much felt that the death penalty was applied quite unfairly and was a grave inconsistency in our society and in our nation. However, about 2 years ago, there was a horrible murder in my hometown of Dexter. That particular morning, I was having coffee at McDougal's Bakery in Dexter with some of the police officers. At about 9:30, we parted company. I went on my merry way and these police officers had to go to the scene where a lady was made to lay down, a little boy was made to lay down across her legs, and they were both executed. The outcry was unbelievable in our district and in my hometown and all through that area in central Maine. When this bill came, I saw it had a referendum on it, saw it had to do with children, and therefore I felt moved to support it. I would like to give my constituents the opportunity to let them make the decision. Thank you, Mr. President.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#63)**

YEAS: Senators: ABROMSON, BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, MARTIN, MCALEVEY, MILLS, MITCHELL, RAND, ROTUNDO, SAVAGE, SMALL, TREAT, THE PRESIDENT - MICHAEL H. MICHAUD

NAYS: Senators: BENNETT, DAVIS, KNEELAND, LEMONT, LONGLEY, NUTTING, O'GARA, SAWYER, SHOREY, TURNER, WOODCOCK, YOUNGBLOOD

EXCUSED: Senator: PENDLETON

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MCALEVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

(See action later today.)

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

Bill "An Act to Amend the Laws Governing Registers of Deeds" H.P. 991 L.D. 1328 (C "A" H-252)

Tabled - May 17, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, May 9, 2001, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

(In Senate, May 10, 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-252)**, in **NON-CONCURRENCE**.)

(In House, May 16, 2001, that Body **INSISTED**.)

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE**

**ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252).**

On motion by Senator **YOUNGBLOOD** of Penobscot, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (H-252)**.

On further motion by same Senator, Senate Amendment "A" (S-214) to Committee Amendment "A" (H-252) **READ**.

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

Senator **YOUNGBLOOD**: Thank you, Mr. President, ladies and gentlemen of the Senate. We all have a bill that we get an education on. This was part of my education. I thank you for giving me the opportunity to present this amendment. The registry of deeds and the standardization of that effort across the country is in process. We heard the bill in the State and Local Government Committee. Felt that we were getting good input. It turns out that everyone who should have been having input was not there to speak to the issue. The bill really related to 2 separate issues. One, adopting a U.S. standard, and a second issue, to continue a sunset provision that gave \$3 for each deed recorded to the registry to work on improving the condition of their files. They have lots of old books that need to be done. Three years ago, this bill was put in place to give them \$3. It sunsets in January of 2002. The job is not yet completed. This bill, in addition to standardizing, also extended that sunset provision for another 3 year period of time to the year 2005. What the amendment does is strips out the standardization verbiage of that bill, leaving things exactly the way they are. The only thing that would be left in L.D. 1328 is the new sunset date for the \$3 on each deed recorded through January 2005. I would appreciate your support. Thank you.

On motion by Senator **YOUNGBLOOD** of Penobscot, Senate Amendment "A" (S-214) to Committee Amendment "A" (H-252) **ADOPTED**.

Committee Amendment "A" (H-252) as Amended by Senate Amendment "A" (S-214) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252) AS AMENDED BY SENATE AMENDMENT "A" (S-214)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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



**ORDERS**

**Joint Study Order**

On motion by Senator **DOUGLASS** of Androscoggin (Cosponsored by Representative TUTTLE of Sanford, Representative MAYO of Bath, Representative LaFOUNTAINÉ-O'BRIEN of Lewiston, Representative ESTES of Kittery, Representative PATRICK of Rumford, Representative DUNCAN of Presque Isle, Representative CHIZMAR of Lisbon, Senator WOODCOCK of Franklin, Senator BROMLEY of Cumberland) the following Joint Study Order: S.P. 627

WHEREAS, the alternative campaign financing program provided by the Maine Clean Election Act was utilized by many candidates during the 2000 general election and there has been no official forum for comments about the successes and failures of the Act's implementation; and

WHEREAS, the Legislature finds that it is in the best interest of the State to ensure that the Maine Clean Election Act is accomplishing the desired intent of the voters who passed that Act into law in 1996; now, therefore, be it

ORDERED, the House concurring, that the Committee to Study the Maine Clean Election Act is established as follows.

1. Study committee established. The Committee to Study the Maine Clean Election Act, referred to in this order as the "committee," is established.

2. Membership. The committee consists of the members of the Joint Standing Committee on Legal and Veterans Affairs.

3. Chairs. The chairs of the committee are the Senate and House chairs currently serving as the chairs of the Joint Standing Committee on Legal and Veterans Affairs.

4. Committee to convene; meetings. The committee shall convene on or before September 5, 2001 and shall hold a total of 6 meetings. Three of those meetings must be for the purpose of receiving public testimony and must be held in Bangor, Lewiston and Saco.

5. Duties. The committee shall study the Maine Clean Election Act, the Maine Revised Statutes, Title 21-A, chapter 14, and develop recommendations to update or improve the laws. In studying the Act, the committee may:

A. Gather statistical data regarding how many candidates in the last election used the Maine Clean Election Act financing program, how many used the traditional financing method, how many candidates ran against traditionally funded candidates and how many ran against candidates funded by the Maine Clean Election Act in the last election and general information on the amount of funds expended in the last election by both traditionally funded candidates and those funded by the Maine Clean Election Act;

B. Examine the issue of whether the current formula used to finance clean-election candidates is adequate in the current system;

C. Examine issues regarding reporting requirements for traditionally funded candidates and those funded by the Maine Clean Election Act and the penalty provisions for failure to report;

D. Examine the use of volunteers by traditionally funded candidates and those candidates funded by the Maine Clean Election Act;

E. Examine the level of staffing provided by the Commission on Governmental Ethics and Election Practices, particularly the level of staffing immediately preceding the election;

F. Examine the issue of candidates who are funded by the Maine Clean Election Act who also have a leadership political action committee; and

G. Examine other issues the committee sees as relevant to the intent of this study.

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

7. Compensation. Members of the committee are entitled to receive legislative per diem as defined by the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Report. The committee shall submit its report along with any recommended legislation to the Legislature by December 3, 2001. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant an extension.

9. Committee budget. The chairs of the committee, with assistance from committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

**READ.**

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending motion by Senator **DOUGLASS** of Androscoggin to **PASS**.

\_\_\_\_\_  
Senate at Ease.

Senate called to order by the President.

\_\_\_\_\_  
On motion by Senator **RAND** of Cumberland, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence, on the following:

Bill "An Act to Reinstate the Death Penalty for the Murder of Children"

H.P. 1124 L.D. 1493

(In House, May 16, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 17, 2001, Reports **READ**. On motion by Senator **MCALVEY** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.)

On motion by Senator **RAND** of Cumberland, 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 Waldo, Senator Longley.

Senator **LONGLEY:** Thank you, Mr. President, colleagues in the Senate. I'm glad to see everyone's here in their seats and I'm not hailing them from the hindlers to come and accommodate the fact that when I walked in late from committee and saw on the board "An Act to Reinstate the Death Penalty for the Murder of Children" I basically stopped dead in my tracks, right there, trying to figure out how I would be voting. Then, in my hurry, I pressed the wrong button. I am grateful for the opportunity to correct the record. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator McAlevey, to Accept the Majority Ought Not to Pass 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 (#64)**

**YEAS:** Senators: ABROMSON, BROMLEY, CARPENTER, CATHCART, DAGGETT, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, LAFOUNTAIN, LONGLEY, MARTIN, MCALVEY, MILLS, MITCHELL, RAND, ROTUNDO, SAVAGE, SMALL, TREAT, TURNER, THE PRESIDENT - MICHAEL H. MICHAUD

**NAYS:** Senators: BENNETT, DAVIS, KNEELAND, LEMONT, NUTTING, O'GARA, SAWYER, SHOREY, WOODCOCK, YOUNGBLOOD

**EXCUSED:** Senator: PENDLETON

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MCALVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

**ORDERS OF THE DAY**

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

JOINT STUDY ORDER - relative to establishing the Committee to Study the Maine Clean Election Act S.P. 627

Tabled - May 17, 2001, by Senator **SMALL** of Sagadahoc

Pending - motion by Senator **DOUGLASS** of Androscoggin to **PASS**

(In Senate, May 17, 2001, on motion by Senator **DOUGLASS** of Androscoggin, **READ**.)

On motion by Senator **DOUGLASS** of Androscoggin, placed on the **SPECIAL STUDY TABLE**, pending motion by same Senator to **PASS**.

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

**COMMUNICATIONS**

The Following Communication: H.C. 268

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES**

May 17, 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 Report "A" Ought Not to Pass of the Committee on INLAND FISHERIES AND WILDLIFE and the Committee MARINE RESOURCES on Bill "An Act to Restore the Passage of Alewives on the St. Croix River" (EMERGENCY)  
(H.P. 287) (L.D. 365)

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: H.C. 269

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES**

May 17, 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 INLAND FISHERIES AND WILDLIFE on Bill "An Act to Enhance Storage of Fish and Wildlife"  
(H.P. 881) (L.D. 1173)

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:

**Act**

An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution  
H.P. 1084 L.D. 1453

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

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/15/01) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Regulate Push Polling"  
S.P. 308 L.D. 1055

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

Minority - **Ought to Pass** (5 members)

Tabled - May 15, 2001, by Senator **DOUGLASS** of Androscoggin

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

(In Senate, May 15, 2001, Reports **READ**.)

The Chair ordered a Division. 11 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS** Report **ACCEPTED**.

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

Under suspension of the Rules, 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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Senator **MITCHELL** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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

After Recess

Senate called to order by the President.

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On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED**, in concurrence, the following:

Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine"  
H.P. 1353 L.D. 1810

(In House, May 17, 2001, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 17, 2001, Report **READ** and **ACCEPTED**, in concurrence. **RULES SUSPENDED, READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, 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 **JUDICIARY** on Bill "An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs"  
H.P. 333 L.D. 423

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-500)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-500)**.

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

**READ ONCE.**

Committee Amendment "A" (H-500) **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-500)**, in concurrence.

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The Committee on **JUDICIARY** on Bill "An Act to Protect Children and Elderly or Incapacitated Adults"

H.P. 811 L.D. 1066

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-498)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**.

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

**READ ONCE.**

Committee Amendment "A" (H-498) **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-498)**, 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 **JUDICIARY** on Bill "An Act to Encourage Joint Child Rearing Between Divorced Parents"

H.P. 1048 L.D. 1405

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-499)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**.

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

**READ ONCE.**

Committee Amendment "A" (H-499) **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-499)**, in concurrence.

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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 **MARINE RESOURCES** on Resolve, to Establish a Moratorium on Aquaculture Leases in Blue Hill Bay

H.P. 927 L.D. 1241

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

Signed:

Senators:

EDMONDS of Cumberland  
PENDLETON of Cumberland  
LEMONT of York

Representatives:

MUSE of Fryeburg  
CHICK of Lebanon  
McNEIL of Rockland  
ASH of Belfast

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497)**.

Signed:

(H "A" H-430 to C "A" H-186)

Representatives:

SULLIVAN of Biddeford  
VOLENIK of Brooklin  
LEMOINE of Old Orchard Beach  
PINKHAM of Lamoine  
USHER of Westbrook  
BULL of Freeport

An Act Concerning Telemarketing

S.P. 166 L.D. 585  
(S "B" S-123; S "E" S-173 to C "A" S-91)

An Act to Allow Municipalities to Lower Certain Speed Limits

H.P. 503 L.D. 643  
(H "A" H-400 to C "A" H-357)

An Act to Allow Access to Highways for Certain Purposes

H.P. 544 L.D. 699

An Act to Change the Party Responsible for Payment of a Penalty under the Tree Growth Tax Law when a Subdivision Results in a Parcel of Less than 10 Acres

S.P. 296 L.D. 1007  
(H "A" H-431 to C "A" S-141)

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**.

Reports **READ**.

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

Sent down for concurrence.

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

**ENACTORS**

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

**Acts**

An Act to Expand the Number of Authorized High-stakes Beano and High-stakes Bingo Games

H.P. 104 L.D. 108  
(C "A" H-439)

An Act to Protect Sensitive Geologic Areas from Oil Contamination

H.P. 168 L.D. 179  
(H "A" H-448 to C "A" H-224)

An Act to Amend the Laws Governing Small Brewery Licenses

S.P. 121 L.D. 397  
(C "A" S-191)

An Act to Correct an Error in the Bureau of Parks and Lands Statute

S.P. 144 L.D. 488  
(C "A" S-182)

An Act to Designate Equal Pay Day and to Require the Department of Labor to Report on Progress

S.P. 145 L.D. 489  
(C "A" S-188)

An Act to Amend the Licensing Provisions for Private Investigators

H.P. 398 L.D. 519

An Act to Provide Complimentary Hunting and Fishing Licenses to Resident Active Military Personnel

H.P. 8 L.D. 8  
(C "A" H-419)

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

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

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

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

An Act to Improve the Services of the Saco River Corridor Commission

H.P. 326 L.D. 416

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

An Act to Provide Funding for Positions to Provide Computer Services to the Blind

S.P. 191 L.D. 663  
(C "A" S-200)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in 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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On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Friday, May 18, 2001, at 9:00 in the morning.