

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
State of Maine

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Pages 1 - 714

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

In Senate Chamber
Wednesday
April 16, 2003

Senate called to order by President Beverly C. Daggett of Kennebec County.

Prayer by Reverend Glenn Peterson, Hope Baptist Church in Manchester.

REVEREND PETERSON: Almighty God, we praise You today as a just God. You are God who always does what is good, just, and right. You treat people with love and mercy. Yes, as You showed us on Good Friday so many years ago, You do not let wickedness go unpunished. We thank You. You have given us this example as well as laws and commandments that reveal Your just character. God, we know that Your desire for us is that we should also act justly. You want us to do unto others as we have them do unto us.

This morning I want to thank You for the members of this Senate. I thank You for their desire to act with justice on behalf of the people of the State of Maine. Our pledge of allegiance says that America is to be a place of liberty and justice for all. So I pray that You would guide these Senators with Your wisdom as they seek to act justly today. Give them wisdom and courage to make difficult decisions for the people of this state. Steel their wills to do righteousness, defend those who cannot defend themselves, and pursue justice for all. May they not be afraid of the many challenges that they face and may they call upon You for help at all times. As a result of their leadership in the State of Maine, may justice roll on like a river, and righteousness like a never failing stream.

God, bless the people of the State of Maine and shed Your grace upon her people, not because they deserve it, but because of Your mercy and because You always treat people with justice. In Your just name we pray. Amen.

Reading of the Journal of Tuesday, April 15, 2003.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Joint Order:
S.P. 537

ORDERED, the House concurring, that when the House stands adjourned it does so until Monday, April 28, 2003, at 9:00 in the morning and the Senate adjourns until Monday, April 28, 2003 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 177

**121ST LEGISLATURE
COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS**

April 14, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

- | | |
|-----------|--|
| L.D. 23 | An Act Authorizing the University of Maine System to Enter into Cooperative Agreements with Local Law Enforcement Agencies |
| L.D. 1133 | Resolve, To Establish the Study Committee to Study the Feasibility of a 4-year High School Vocational Program |
| L.D. 1374 | An Act To Ensure That No Maine Child Is Left behind by Improving the Overall Education of Disadvantaged Children and Complying with New Federal Education Funding Requirements |
| L.D. 1384 | An Act To Provide Student Loan Forgiveness to Maine Employees |
| L.D. 1422 | An Act To Promote Student and Taxpayer Equity in the School Funding Formula |

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

Sincerely,

S/Sen. Neria R. Douglass
Senate Chair

S/Rep. Glenn Cummings
House Chair

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

The Following Communication: S.C. 178

**121ST LEGISLATURE
COMMITTEE ON
INLAND FISHERIES AND WILDLIFE**

April 14, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

- | | |
|-----------|--|
| L.D. 137 | An Act to Make Hunting Hours Consistent |
| L.D. 253 | An Act Regarding the Use of Hunter Orange Clothing, Assisted Hunting, Baiting and the Possession of Gift Animals |
| L.D. 565 | An Act To Increase Fish Stocking in Aroostook County |
| L.D. 626 | An Act To Allow the Use of All Deer Parts |
| L.D. 789 | An Act To Allow a Moose Lottery Winner To Designate a Subpermittee after the Lottery Drawing |
| L.D. 794 | An Act To Remove Home Possession Limits |
| L.D. 867 | An Act To Waive the Fee for Fishing Licenses for Disabled Persons |
| L.D. 953 | An Act To Exempt Children under 17 Years of Age from Certain Fishing Restrictions |
| L.D. 960 | An Act To Allow the Alternate Use of Moose Permits when an Emergency Prevents Permittee Use |
| L.D. 1179 | An Act To Encourage Youth Participation in Fishing |
| L.D. 1191 | An Act To Require a Resident To Purchase a Hunting License Before Entering Any Hunting Lottery |
| L.D. 1195 | An Act To Allow the Transfer of Certain Permits |
| L.D. 1238 | An Act To Encourage Hunting by Improving Hunting Laws |
| L.D. 1259 | An Act Regarding Hunting Hours, Permits and Seasons |

L.D. 1426 An Act To Give Moose Permits to Members of the Wesget-Sipu Organization

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Matthew Dunlap
House Chair

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

The Following Communication: S.C. 179

**121ST LEGISLATURE
COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

April 14, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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. 820 | An Act To Prohibit a Governmental Entity from Endorsing a Political Candidate or a Referendum Issue |
| L.D. 899 | An Act To Provide an Alternative to Filing Nomination Petitions |
| L.D. 935 | An Act To Abolish Term Limits for Legislators |
| L.D. 1267 | An Act To Raise the Revenues of Agency Liquor Stores by 5% from the Sale of Liquor |
| L.D. 1274 | An Act To Promote Maine's Brewing Industry |
| L.D. 1281 | An Act to Allow Shipment of Wine By Mail |
| L.D. 1284 | An Act To Extend Term Limits from 8 Years to 14 Years |

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

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Joseph E. Clark
House Chair

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

SENATE PAPERS

Bill "An Act To Amend and Improve the Education Laws"
S.P. 538 L.D. 1577

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative CUMMINGS of Portland and
Senator: MITCHELL of Penobscot, Representative: LEDWIN of
Holden.
Submitted by the Department of Education pursuant to Joint Rule
204.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to
the Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed.

Sent down for concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The 88th Anniversary of the Armenian Genocide. On April 24,
1915, a campaign was launched by the Turkish regime of the
Ottoman Empire against the Armenian people, resulting in the
death of over 1.5 million Armenians. Some of the survivors
settled in the State of Maine and their heirs have made significant
contributions to the State. We join our citizens of Armenian
heritage on April 24 in remembering this event, and we express
our deepest sympathy for those who perished;
SLS 139

Sponsored by Senator **BRENNAN** of Cumberland.
Under suspension of the rules, cosponsored by Senator:
STRIMLING of Cumberland, Representatives: DUDLEY of
Portland, EDER of Portland, SUSLOVIC of Portland, ADAMS of
Portland, NORBERT of Portland, BRANNIGAN of Portland,
MARLEY of Portland, CUMMINGS of Portland.

READ.

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

Senator **BRENNAN:** Thank you, Madame President, men and
women of the Senate. I simply wanted to point out that next
week, April 24th, is the 88th anniversary of the Armenian
Genocide. Given the fact that we are not in session next week,

we wanted to make note of that today. Surely this event was a
very tragic event in world history. I hope that we can express our
sympathy to the people that were involved, the families, and
people that have settled here in the State of Maine. At the same
time this tragic event in human history occurred, it did, ironically,
have a positive impact on the State of Maine in that many families
that were victim of this tragedy chose to settle in the State of
Maine and have been an intricate part of the growth of Maine,
both economically and socially. I hope that you will join me today
in recognizing representatives from the Armenian community who
are here today. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear
of the chamber Andy Mezoian, John Malconian, Patty Tevanian,
Janice Tevanian, Gerard Kiladjian, Annie Kaladjian, and Mike
Tarpinian. They are members of the Portland Area Armenian
community. Would they please rise and accept the greetings of
the Maine Senate.

All matters thus acted upon were ordered sent down forthwith for
concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To
Create the Bayside Utilities District"
H.P. 886 L.D. 1212

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

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

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

READ ONCE.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY.**

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** on Resolve, To Allow Certain State Employees
To Be Voting Board Members of Project SHARE
H.P. 603 L.D. 826

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-114)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)**.

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

READ ONCE.

Committee Amendment "A" (H-114) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify the Intent of School Budget Referendum Language"

H.P. 77 L.D. 69

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-115)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115)**.

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

READ ONCE.

Committee Amendment "A" (H-115) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow a Former Spouse or Domestic Partner To Cancel a Life Insurance Policy in That Person's Name"

H.P. 317 L.D. 409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-112)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-112)**.

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

READ ONCE.

Committee Amendment "A" (H-112) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Address Funding of the North Jay Water District" (EMERGENCY)
H.P. 14 L.D. 7

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-111)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.

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

READ ONCE.

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses"

H.P. 62 L.D. 54

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
GLYNN of South Portland
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-99)**.

Signed:

Representative:
LANDRY of Sanford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.

Reports **READ**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision"

S.P. 354 L.D. 1023

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator KNEELAND for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Impose Restrictions on the Operation of ATVs and Snowmobiles"

S.P. 130 L.D. 354

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-50)**.

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

READ ONCE.

Committee Amendment "A" (S-50) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance"
S.P. 275 L.D. 796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-55)**.

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

READ ONCE.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create Equality in Medicare Supplement Insurance Policies"

S.P. 298 L.D. 902

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-56)**.

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

READ ONCE.

Committee Amendment "A" (S-56) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Employees if Their Employer Fails To Pay Premiums for Employer-sponsored Health Insurance"

S.P. 301 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-57)**.

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

READ ONCE.

Committee Amendment "A" (S-57) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PENDLETON for the Committee on **JUDICIARY** on Bill "An Act To Amend the Constitution of the Maine Episcopal Missionary Society"

S.P. 312 L.D. 971

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-49)**.

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

READ ONCE.

Committee Amendment "A" (S-49) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HALL for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Provide Energy Opportunities to Northern Maine" (EMERGENCY)

S.P. 86 L.D. 163

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-48)**.

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

READ ONCE.

Committee Amendment "A" (S-48) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HALL for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Lubec Water and Electric District" (EMERGENCY)

S.P. 242 L.D. 678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-46)**.

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

READ ONCE.

Committee Amendment "A" (S-46) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HALL for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Madawaska Water District"

S.P. 308 L.D. 967

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-45)**.

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

READ ONCE.

Committee Amendment "A" (S-45) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Not Guilty by Reason of Insanity Verdict"

S.P. 363 L.D. 1091

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

Signed:

Senators:

STRIMLING of Cumberland
HATCH of Somerset

Representatives:

BUNKER of Kossuth Township
BLANCHETTE of Bangor
LESSARD of Topsham
GROSE of Woolwich
SNOWE-MELLO of Poland
GREELEY of Levant
SYKES of Harrison
CHURCHILL of Washburn
MAIETTA of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

CARPENTER of York

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators"

S.P. 190 L.D. 550

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-53).**

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan
PATRICK of Rumford
JACKSON of Fort Kent
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-54).**

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin
HEIDRICH of Oxford
NUTTING of Oakland

Reports **READ.**

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-53)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-53)** Report.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate"

S.P. 166 L.D. 479

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
GOODWIN of Pembroke
CRESSEY of Baldwin
RICHARDSON of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-52).**

Signed:

Senator:

HALL of Lincoln

Representative:

MOODY of Manchester

Reports **READ.**

On motion by Senator **HALL** of Lincoln, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Standard Water District Enabling Act" S.P. 283 L.D. 804

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-51).**

Signed:

Senators:

HALL of Lincoln
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
RICHARDSON of Skowhegan

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

Signed:

Representatives:

GOODWIN of Pembroke
CRESSEY of Baldwin

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-51) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2004"

H.P. 852 L.D. 1153

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

House As Amended

Bill "An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund"

H.P. 16 L.D. 9
(C "A" H-106)

Bill "An Act To Increase Protection for Endangered and Threatened Species"

H.P. 246 L.D. 303
(C "A" H-105)

Bill "An Act To Expand the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector"

H.P. 499 L.D. 682
(H "A" H-110 to C "A" H-89)

Bill "An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve"

H.P. 576 L.D. 777
(C "A" H-100)

Bill "An Act To Require Motorists To Use Caution When Approaching a Safety Zone"

H.P. 614 L.D. 837
(C "A" H-102)

Bill "An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients"

H.P. 711 L.D. 954
(C "A" H-104)

Bill "An Act To Allow Recipients To Withdraw from Receiving Unemployment Benefits by Phone and at Any Time before Receiving Benefits"

H.P. 712 L.D. 955
(C "A" H-103)

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

Senate As Amended

Bill "An Act To Establish a Transportation Assistance Program and Revolving Loan Fund"

S.P. 116 L.D. 334
(C "A" S-43)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket

S.P. 535 L.D. 1575
(C "A" S-44)

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

Emergency Resolve

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

S.P. 446 L.D. 1358
(H "A" H-97)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Acts

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months

H.P. 76 L.D. 68
(C "A" H-83)

An Act To Allow a Municipality To Dispose of Unclaimed Bicycles by Means in Addition to Public Auction

H.P. 127 L.D. 168
(C "A" H-80)

An Act To Improve the Coyote Control Program

H.P. 192 L.D. 237
(C "A" H-75)

An Act To Increase the Value of Real and Personal Property Exempt from Attachment

H.P. 202 L.D. 247
(C "A" H-81)

An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans

H.P. 291 L.D. 371
(C "A" H-85)

An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment

H.P. 404 L.D. 519
(C "A" H-79)

An Act To Repeal the Forest Products Antitrust Exemption

H.P. 487 L.D. 657

An Act To Expand the Powers and Authority of Case Management Officers in the Family Division

H.P. 547 L.D. 741
(C "A" H-82)

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

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

REPORTS OF COMMITTEES

Senate

**Ought to Pass
Pursuant to Joint Order**

Senator MAYO for the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003 (EMERGENCY)

S.P. 539 L.D. 1581

Reported that the same **Ought to Pass**, pursuant to Joint Order 2003, S.P. 526.

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

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

Ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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 (4/8/03) Assigned matter:

Bill "An Act to Allow Electronic Calling Devices for Hunting"
S.P. 80 L.D. 157

Tabled - April 8, 2003, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, April 8, 2003, **READ A SECOND TIME**.)

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

Senator **MARTIN**: Thank you, Madame President, and members of the Senate. This is a bill that has intrigued me for some time. I've been trying to figure out what I ought to do with it and decided that, frankly, the time had come to at least raise the issue. Initially I was going to amend it, but upon reviewing it, I find that it deals only with hunting moose.

Two years ago we dealt with the issue of allowing electrical calling for turkey and now we are moving to the one animal that can't defend itself from anything. The moose is easily called now. It can be called, as some of you who are around know, by using a coffee can and a string. There is absolutely no reason to move to the point where we are going to allow electronic calling devices. I know there are some who believe that we ought to, basically, let anyone who wants to devise any particular item to be used in the woods to go after game. Some have suggested we use cell phones and we allow that. We use, perhaps, GIS to locate where moose ought to be, so we can use that during the moose hunt.

You may remember that two years ago we dealt with the issue of planes. I've reached the point where I just think we're going way too far to try to deal with Mother Nature. I just think that, in the long run, we'd be a lot better off to let some of these things be and I firmly believe that we don't need to use moose calling and allow it to be done electronically.

I know this is not the biggest issue that this legislature is going to face. But I can assure you that it is something that, to me, makes no sense. So I guess, Madame President, I'm simply going to ask for a division. I would urge you to vote against the engrossment of this bill.

At the request of Senator **MARTIN** of Aroostook a Division was had. 13 Senators having voted in the affirmative and 18 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED, FAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/14/03) Assigned matter:

Bill "An Act To Provide Group Health Insurance Coverage to Maine Citizens Eligible for Assistance Under the Federal Trade Adjustment Assistance Reform Act of 2002" (EMERGENCY)
S.P. 536 L.D. 1576

Tabled - April 14, 2003, by Senator **EDMONDS** of Cumberland

Pending - **REFERENCE**

(Committee on **LABOR** suggested and ordered printed.)

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **LABOR**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/14/03) Assigned matter:

Emergency Measure

An Act To Revise the Boundary between the Town of Harrison and the Town of Bridgton

S.P. 272 L.D. 793
(C "A" S-16)

Tabled - April 14, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-16).**)

(In House, April 10, 2003, **PASSED TO BE ENACTED.**)

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

The Chair laid before the Senate the following Tabled and Later (4/15/03) Assigned matter:

Bill "An Act To Require Continuing Education for Professional Engineers"

S.P. 320 L.D. 979

Tabled - April 15, 2003 by Senator **BROMLEY** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 8, 2003, **PASSED TO BE ENGROSSED.**)

(Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-109)**, in **NON-CONCURRENCE.**)

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

The Chair laid before the Senate the following Tabled and Later (4/14/03) Assigned matter:

JOINT ORDER - Relative to Directing the Joint Standing Committee on Legal and Veterans Affairs To Report Out Legislation Authorizing Michaela Corbin-Bumford To Sue the State

H.P. 1144

Tabled - April 14, 2003, by Senator **TREAT** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 10, 2003, **READ** and **PASSED.**)

(In Senate, April 14, 2003, **READ**.)

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

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

Senator **GAGNON:** Thank you, Madame President, and men and women of the Senate. I am indefinitely postponing this joint order because there is an error in drafting it. There will be a new one coming over from the House, probably tomorrow. Thank you.

On motion by Senator **GAGNON** of Kennebec, Joint Order **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Off Record Remarks

Senator **TREAT** 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.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient" (EMERGENCY)
H.P. 1151 L.D. 1578

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Promote the Financial Security of Maine's Families and Children"

H.P. 1152 L.D. 1579

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **JUDICIARY** 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 Statute Department of Human Services

The **Department of Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services (EMERGENCY)

H.P. 1153 L.D. 1580

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State"
H.P. 1055 L.D. 1443

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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 **TRANSPORTATION** on Bill "An Act to Enhance School Zone Safety"
H.P. 19 L.D. 12

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-119)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119)**.

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

READ ONCE.

Committee Amendment "A" (H-119) **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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Prohibit Absolute Discretion Clauses in Health Carrier and Excess Loss Carrier Contracts"
H.P. 259 L.D. 316

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-118)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-118)**.

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

READ ONCE.

Committee Amendment "A" (H-118) **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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Improve the Process of Credentialling Health Care Providers"
H.P. 331 L.D. 423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-116)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116)**.

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

READ ONCE.

Committee Amendment "A" (H-116) **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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish New Standards for Credit Reporting" H.P. 419 L.D. 556

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-117).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-117).**

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

READ ONCE.

Committee Amendment "A" (H-117) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

PAPERS FROM THE HOUSE

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Sergeant Daniel Francis Cunningham, Jr., formerly of Lewiston, while serving in the United States Army during Operation Iraqi Freedom. He received a posthumous promotion from Specialist to Sergeant. Daniel was born in Lewiston, attended Lewiston schools and was a graduate of Oxford Hills High School. Sgt. Cunningham was most recently stationed at Fort Stewart, Georgia, in the 41st Field Artillery Regiment until his deployment to Iraq. He had also served with the peace mission in Kosovo and served his country with pride and honor. He is survived by his wife Heather, his son Connor, his mother Nancy Cunningham of Lewiston, his 3 brothers and both grandmothers. We acknowledge the ultimate sacrifice he gave to his country and we extend our sincere sympathies to his loving family, his many friends and his colleagues;

HLS 473

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

READ.

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

Senator **ROTUNDO:** Thank you, Madame President, and men and women of the Senate. We are honored to have in the Senate chamber this morning the family and friends of Sergeant Daniel Francis Cunningham, Jr. Sergeant Cunningham made the supreme sacrifice for his country, giving his life in Iraq on April 4th, while serving in the United States Army during Operation Iraqi Freedom. I know I speak for all in this chamber when I offer our most profound sympathy to the Cunningham family. His mother, Nancy Cunningham; his brother; his sister-in-law; his wife, Heather; and his son, Connor, all of whom are here this morning. Dan was a beloved and devoted son, brother, brother-in-law, husband, father, and friend.

Sergeant Cunningham was born in Lewiston on December 9, 1969. He attended Lewiston schools and graduated from Oxford High School in the class of 1988. Sergeant Cunningham had served with the United States Army for the past three years and was stationed at Fort Steward Georgia, in the 41st Field Artillery Regiment, until his recent deployment to Iraq. He also served in the peace mission in Kosovo. Dan served his country with pride and with honor.

He loved spending time with his son and being with his family. He enjoyed Nascar racing and all sports. The ideals that guided Sergeant Cunningham's service to his country are an inspiration to us. May we recommit ourselves to the values of liberty and justice for all, which guide our work here and guided his work, and help to realize, for all the people of Maine, the democratic principles and ideals for which Sergeant Cunningham gave his life. Thank you.

ADOPTED, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Commercial Fishing Safety Council
S.P. 478 L.D. 1440
(C "A" S-32; H "A" H-126)

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.

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 Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003" (EMERGENCY)
H.P. 1150 L.D. 1574

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-135)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)**.

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

READ ONCE.

Committee Amendment "A" (H-135) **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-135)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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 Promote Clarity Regarding Death Certificates
S.P. 127 L.D. 351
(C "A" S-24)

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.

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 Improve State Accounting Procedures
S.P. 215 L.D. 606
(C "A" S-27)

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

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

ENACTORS

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

Acts

An Act To Amend the Home Construction Contracts Laws
H.P. 230 L.D. 287
(C "A" H-88)

An Act To Clarify the Laws Regarding Reports to the State Auditor
S.P. 115 L.D. 333
(C "A" S-26)

An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks
S.P. 133 L.D. 396
(C "A" S-23)

An Act To Clarify Campaign Finance Penalty Provisions
H.P. 346 L.D. 454

An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations
H.P. 461 L.D. 631
(C "A" H-95)

An Act Regarding Bail and Fines
H.P. 615 L.D. 838
(C "A" H-90)

An Act To Clarify the Responsibilities of Contract Law
Enforcement Officers

S.P. 290 L.D. 895
(C "A" S-25)

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

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

ENACTORS

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

Resolve

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses

S.P. 216 L.D. 607
(C "A" S-22)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **ROTUNDO** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage Economic Development in Piscataquis County" (EMERGENCY)
S.P. 445 L.D. 1357

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-59)**.

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

READ ONCE.

Committee Amendment "A" (S-59) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **HATCH** for the Committee on **TRANSPORTATION** on Bill "An Act To Clarify Ownership Rights to Repossessed Vehicles"

S.P. 148 L.D. 430

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-60)**.

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

READ ONCE.

Committee Amendment "A" (S-60) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act To Require Public Hearings prior to State Agreements for Dam Removal" (EMERGENCY)

S.P. 247 L.D. 709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-64)**.

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

READ ONCE.

Committee Amendment "A" (S-64) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

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

All matters thus acted upon were ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$70,000,000 for Municipal Facilities and for Investments in Research, Development, Farming and Affordable Housing in Order To Sustain and Improve Maine's Economy"

H.P. 1148 L.D. 1566

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-140)**.

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin
TURNER of Cumberland

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH of Bangor
ROSEN of Bucksport
O'BRIEN of Augusta
MILLETT of Waterford

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

Signed:

Representative:

MILLS of Cornville

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 COMMITTEE AMENDMENT "A" (H-140) AS AMENDED BY HOUSE AMENDMENT "A" (H-148)** thereto.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-140) **READ**.

House Amendment "A" (H-148) to Committee Amendment "A" (H-140) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" as Amended by House Amendment "A" (H-148) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (H-140) AS AMENDED BY HOUSE AMENDMENT "A" (H-148)** thereto, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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 Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005

H.P. 1150 L.D. 1574
(C "A" H-135)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#32)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, KNEELAND, LEMONT, MAYO, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: HATCH, MARTIN

ABSENT: Senators: LAFOUNTAIN, MITCHELL

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 2 Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication: S.P. 540

STATE OF MAINE 121ST MAINE LEGISLATURE

April 16, 2003

Sen. Beth G. Edmonds
Senate Chair, Joint Standing Committee on
Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on
Labor
121st Legislature
Augusta, ME 04333

Dear Senator Edmonds and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Laura Fortman of Nobleboro for appointment as Commissioner, Department of Labor.

Pursuant to Title 26, M.R.S.A. §1401-A, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and REFERRED to the Committee on **LABOR**.

Sent down for concurrence.

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:

ENACTORS

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

Bond Issue

An Act To Authorize a General Fund Bond Issue in the Amount of \$60,000,000 for Municipal Facilities and for Investments in Research, Development, Farming and Affordable Housing in Order To Sustain and Improve Maine's Economy

H.P. 1148 L.D. 1566
(H "A" H-148 to C "A" H-140)

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

Senator **BROMLEY:** Thank you, Madame President. I first want to mention my respect for the committee vote on this bond issue and I want to applaud the Executive for his interest in getting this bond before the people early in June so that we can get this package moving. I also appreciate the bi-partisan support for economic development.

There are many important things, in this bond, that are important to all of us in this chamber and to the people that we represent. But, it is also important to say that there is something very important to all of us that is not in this bond, a critical economic development initiative, which is support for Maine's small businesses. Maine owned, Maine operated, rooted here, wanting to remain here, small businesses. I know that this is an important issue to all of us. To many of us, these are people who are our neighbors, our friends, or even some of us. So I want to say that, in supporting this bond issue, I do so with a confidence in the commitment of the Executive, as well as from members of my caucus and many of you across the aisle, to work on this issue and going forward.

I look forward to doing that with each and every one of you. So I hope you will join me in voting for this.

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

Senator **HALL:** Thank you, Madame President. Maine desperately needs economic development. Unfortunately, it's not clear to me that we have a strategy for the economic development, as a state, today. The fact that it is not clear to me may entirely be my fault or it may be that we have a new administration that is still feeling its way. It may be that, because we're still without a commissioner with responsibility for economic development, we're not hearing the strategy articulated. But it is not, and I say it again, clear to me that we have a strategy.

Madame President, there are many good things in this bond. But it is not clear to me that the funds are committed to supporting any coherent strategy or any vision for the future of our state. It's not clear to me that the projects that are in this bond have met any tests of cost effectiveness or of generating employment.

Worse, it's not clear to me that these projects have been allocated on the basis of need or effectiveness, but rather on the basis of lobbying power.

So I am very reluctant to vote for this and to allocate \$60 million in this way. I just want to say that I hope this is the last time I'll have to protest a bond proposal from this administration in such a public way. Thank you.

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

Senator **DOUGLASS:** Madame President, members of the Senate, I too rise with some very substantial concerns about the bond package that has been presented to us. When we authorize bonds, we are given the state's full backing and authority to the entities that we fund. I'm very much in favor of some of the goals in this package, the goals of housing and university research. But I am concerned that one particular area of investment was specifically left out of this in a last minute change. That was a bond for small businesses, such as the dog grooming businesses in my area or the hair cutting businesses that we are going to depend on in our future, particularly as we lose those large manufacturing or wood-based product industries, and as we are all facing the prospect that we will have in our lifetime, perhaps, six or more different types of occupations. I'm concerned that this micro-enterprise part of the bond package was left out. It is much needed and it is needed now.

As we look at the mill closings around our state, and there are more to come as people are willing to work for a lot less, off our shores, and we are ready to buy those packages of whatever it is that they produce. We really need to have a strategy and that strategy is going to include small business.

This package, as I have said, does address some of the things I think the state does need, in terms of housing and supporting university research, which gets matching leverage funds. But it also supports a private enterprise at great cost to the state and for a very modest return. So I rise to voice those concerns. Frankly, I'm not sure which way I'm going to be voting on this. But I think it's important that we put on the record the concerns we have, those parts we support and those parts that we do not. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I too am disappointed in the package that is in front of us. I have not seen a list of projects, which I would expect to see in a capital bond proposal. I'm very disappointed. In my opinion, building buildings at the university and hiring vice-presidents is not economic development. It does not create jobs. Thank you.

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

Senator **BENNETT:** Thank you, Madame President, fellow members of the Senate. I very reluctantly rise in opposition to this package. I've been contemplating this for some time, and frankly, regret that I have to oppose this package because there is much good in it.

I support the expansion of biomedical research in this state. I think it is critical that we focus on a very promising area of prosperity for our state's economy. I support the research and development packages at the University of Maine.

However, I took an oath, as I've done for three previous sessions, a few months ago. It was an oath to uphold the constitution of this state and I've come to the conclusion that voting for this package would violate that oath because under Article V, part 3rd, section 5, it's very clear that the constitution required that the legislature enact a law prohibiting the use of proceeds from the sale of bonds to fund current expenditures. Contained within this bond package are current expenditures. We cannot be funding current expenditures with bond proceeds.

In all of my years in the Senate, we have worked assiduously to avoid crossing that line and it is very difficult to avoid that line at times. I don't believe that there is a wholesale departure from that principle in this bond package, but regrettably there is at least one, and maybe a couple of items, which in my view, clearly cross the line into current expenditures. Funding, planning monies, and essentially staff support which should not be included in a bond package.

I have to say that I share the concerns of some other members today, notably the Senator from Lincoln, Senator Hall, who expressed some concern about lack of direction and clear articulation on our economic development strategy. I too hope that, as we move forward in the coming months, we will be clearer about that. I do believe this bond package does continue us in a productive direction with economic development, focusing on some very promising industries. I support those provisions of it. In so far as this is one package and requires an up or down vote, I cannot, in good conscious, vote for this, mindful of my constitutional oath. Thank you.

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

Senator **SAWYER:** Thank you, Madame President. The handout that our caucus received earlier this morning was entitled 'Economic Development'. I think the bill before us is often times referred to as economic development. I'd like to remind us that this is not the definitive economic development bill that will fix the ills that are growing, apparently, in the State of Maine. Let's not beat our chests that we have solved Maine's declining economic climate.

In my opinion, we will not attain true economic development until we remove the impediments to a healthy economy. Those include reducing our very high utility costs, reducing our very high workers' compensation costs, and obtain a timely response from agencies when businesses and employers are asking for permits. That's not to say that they would be granted permits that were not earned, but a timely response. We will not have healthy economic development until we reduce our property tax, and until we reduce our marginal tax rate. Until then, we are only giving lip service, in my opinion, to the notion of economic development.

So I would just ask that, for those that believe this is a first step, we not stop the process, that we not claim victory, because it's clear that the empirical data will not come in until we see a turn around in the decline of very well paying jobs with excellent benefits. Thank you, Madame President.

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

Senator **CATHCART**: Thank you, Madame President, men and women of the Senate. I urge you to vote in favor of this bond proposal so that it can go on the ballot in June, be passed by the voters and allow us to start working on these projects that will, indeed, stimulate our economy. Nobody claims that this is the perfect answer to all of our economic problems. It's not. We could point to other places as sources of some problems. What this does do is provide funding for projects that will get started very quickly, projects that will leverage a large amount of federal funds into the State of Maine to help us improve and strengthen our research and development capacity in both private sector and our university research. I think that is very important.

It provides money that will assist municipalities with projects such as sewer extensions. I have one of those in my district where it has a company that is outside of the town water and sewer line. They could apply for that kind of money from the municipal investment trust fund.

This provides funding for biomedical research. This is very important research that is focusing on the fisheries in the Gulf of Maine. This is something that we have needed more of and it's a very collaborative effort in which the university and private sectors are working together. That is going to be positive for this state.

It provides funds for affordable housing, workforce housing, and housing to assist first time home buyers, which also leverages about \$21 million in federal funds for affordable housing. We all know that our state needs more housing for workers.

So I think that, overall, it is a very important economic package. I think it will be good for the state. It does not have everything in it. I too would have liked to see more for very small businesses and assistance for those people. I hope later on in the session we will be able to figure out a better way to provide that kind of assistance. But, all in all, I think it is a good package. It's an effort made by three parties, really. The House, the Senate, and the Executive. Not political parties, because we've all had to negotiate and work hard together to get this package. We've kept the total amount of it as low as we can, lower than originally proposed by the Chief Executive. I think it will do the state some good. I urge your support for it. Thank you, Madame President.

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

Senator **TURNER**: Thank you, Madame President. I, too, rise and ask that you support this bond package. I would also like to take a moment to thank the chair of the Appropriations Committee and my other Senate colleague, Senator Rotundo. I think we worked very hard together, collaboratively. We really tried to think about this in terms of what we could do in a political environment that would be best for the people of Maine.

As the good Senator from Penobscot, Senator Cathcart, has already indicated to you, this is going to create a whole myriad of construction jobs, in the short term. More importantly, when you get passed that, there are a series of high energy, high value jobs that will be created in several key research areas. I think, when I reflect on this package and go back to our new Chief Executive Officer's speech to us in January at his inauguration, he talked about not leaving behind the natural resource heritage and economy as we move forward in the 21st century.

There are many elements in this package that are mindful of that. I think about my own district, and I look at this package and say 'what's in it for my district?' Frankly, the answer to that is not a whole heck of a lot. In fact, there is almost nothing in it for my district. I've worked hard for the passage of the elements that are in here. I think this is a good first step and I'm mindful of the comments of the other Senator from Penobscot, Senator Sawyer, when he talks about the other pieces that we have to legislatively package around bonds as we go forward. It isn't that this is the end all for us, economically.

It is really a first step. I believe that it is incredibly important for our people. It's important for our economy. I think, in a bi-partisan fashion, as we have worked so far through this session, this can be a continuation of teamwork that I finally think is quite heartfelt and good for the people of Maine overall. I would urge your support of it. Thank you.

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

Senator **STRIMLING**: Thank you, Madame President. I rise just to express a couple of thoughts. One is that I am very appreciative of the money that is in this bond for affordable housing and economic development. It is essential that we find ways to deal with the housing crisis in this state and certainly in southern Maine. I had wished that it had been closer to the original that the Governor had put forward of \$13 million, but the \$8 million is a good start or a good continuation.

I also want to express my extreme disappointment that the micro-enterprise money is not in here. It feels very much like whenever we need to find money to support big businesses to expand, we find it. But when it's for small businesses, which are truly the backbone of this economy in the State of Maine, somehow they get left aside. I hope that we can work in the months to come to make sure that the micro-enterprise money does get put back in so we can support that sector of our economy. Thank you.

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 24 Members of the Senate, with 9 Senators having voted in the negative, and 24 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Governor for his approval.

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

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**,
pursuant to the Joint Order, to Monday, April 28, 2003, at 10:00 in
the morning.