

# MAINE STATE LEGISLATURE

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

Volume 1

First Regular Session  
December 4, 2002 to May 20, 2003

Pages 1 - 714

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

In Senate Chamber  
Thursday  
May 1, 2003

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

Prayer by Pastor Daryl Witmer, Monson Community Church.

**PASTOR WITMER:** Shall we bow in prayer. Eternal and almighty God, it seems right that we pause in this morning's hour in reverence before You, mindful of Your surpassing glory, of Your holiness, and Your great power in all the earth. Hallowed be thou name. We recognize that with You alone is all wisdom and understanding and that in You, alone, is all rule and authority. We acknowledge that apart from You we can do nothing, but we know that with You all things are possible. We ask You to remind us that thine is the kingdom and all of the power and the glory. We ask You to forgive us when we try to claim for ourselves any of that which rightly belongs to You alone. We need You to forgive us when we fail to look up, when we fail to bow down, and when we fail to walk faithfully in the light of Your sovereign will.

This morning we are very grateful for Your faithful provision, protection, providence, and blessing in our lives. For this new day, for this hour, for all of the opportunities that are ours to be a blessing to others who may be depending on us as stewards of Your grace today.

We want to be faithful to the privilege that is ours, as citizens of this great nation. We pray Your blessing on America today. We pray for President Bush and his administration, for Governor Baldacci and his staff, for all of our Congressional leaders in Washington, for our judiciary and for our Supreme Court justices.

I'm also praying especially on behalf of our state legislators here in Augusta, our Representatives, and in particular, on behalf of these Maine State Senators, their staff, and their families. I pray that You would grant them all great knowledge and wisdom in their important work and endow them with a sense of responsibility, as well as a spirit of humility. Deliver them from selfish interests, cause them to rule according to Your will. We are grateful for Your revered words in the Scriptures to which we can look for a standard of truth and morality, and as inspired wisdom for making even the most difficult decisions.

Now, if there be someone here this morning, whether it is a Senator, a custodian, or an aide who may be carrying a personal burden or dealing with fear, anxiety, loneliness, or facing some personal crisis, I would pray that You might make known to them Your love and sufficiency, Your power to heal, to save, to comfort, and to restore. We are dependent on You to deliver us from temptation and to move us through all of the trials of our lives. Draw us to know You, whom to know is life eternal.

We now commend our day and our way to You with thanksgiving for all of Your blessings. I pray in the name of Christ. Amen.

Reading of the Journal of Wednesday, April 30, 2003.

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Off Record Remarks

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Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Joint Order:  
S.P. 548

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 5, 2003, at 11:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, To Declare Maine Aviation Education Week  
(EMERGENCY)

S.P. 274 L.D. 795  
(C "A" S-31)

In Senate, April 14, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-31).**

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

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED and CONCURRED**.

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**Joint Order**

The following Joint Order:

H.P. 1159

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation report out a bill to declare Maine Aviation and Aerospace Education Week to the House.

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

**READ and PASSED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 201

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 29, 2003

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Robert Mullen of Winthrop, for reappointment as a District Court Judge.

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

YEAS	Senators	1	Woodcock of Franklin
	Representatives	8	Norbert of Portland, Bennett of Caribou, Bull of Freeport, Carr of Lincoln, Richardson of Brunswick, Mills of Farmington, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		4	Sen. Pendleton of Cumberland, Rep. Bryant-Deschenes of Turner, Sen. Cathcart of Penobscot, Rep. Duprey of Hampden

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Robert Mullen of Winthrop, for reappointment as a District Court Judge be confirmed.

Signed,

S/Peggy A. Pendleton  
Senate Chair

S/William S. Norbert  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121<sup>st</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#34)**

YEAS: Senators: None

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

ABSENT: Senator: HATCH

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Robert Mullen** of Winthrop, for reappointment as a District Court Judge was **CONFIRMED**.

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

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The Following Communication: S.C. 202

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 29, 2003

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Peter James Goranites of Cumberland, for reappointment as a District Court Judge.

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

YEAS Senators 1 Woodcock of Franklin

Representatives 9 Norbert of Portland, Bennett of Caribou, Bryant-Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Richardson of Brunswick, Mills of Farmington, Sherman of Hodgdon, Simpson of Auburn

recommendation be **ACCEPTED** and the nomination of the Honorable **Peter James Goranites** of Cumberland, for reappointment as a District Court Judge was **CONFIRMED**.

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

NAYS 0

The Following Communication: S.C. 203

ABSENT 3 Sen. Pendleton of Cumberland, Sen. Cathcart of Penobscot, Rep. Duprey of Hampden

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 28, 2003

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Peter James Goranites of Cumberland, for reappointment as a District Court Judge be confirmed.

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> Maine Legislature  
State House  
Augusta, Maine 04333-0003

Signed,

Dear Madame President:

S/Peggy A. Pendleton  
Senate Chair

S/William S. Norbert  
House Chair

**READ and ORDERED PLACED ON FILE.**

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable James MacMichael of Skowhegan, for reappointment as a District Court Judge.

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

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121<sup>st</sup> Legislature, the vote was taken by the Yeas and Nays.

YEAS Senators 3 Pendleton of Cumberland, Cathcart of Penobscot, Woodcock of Franklin

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Representatives 10 Norbert of Portland, Bennett of Caribou, Bryant-Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Duprey of Hampden, Mills of Farmington, Richardson of Brunswick, Sherman of Hodgdon, Simpson of Auburn

**ROLL CALL (#35)**

YEAS: Senators: None

NAYS 0

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

ABSENT 0

ABSENT: Senator: BRENNAN

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable James MacMichael of Skowhegan, for reappointment as a District Court Judge be confirmed.

Signed,

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's

S/Peggy A. Pendleton  
Senate Chair

S/William S. Norbert  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121<sup>st</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#36)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **James MacMichael** of Skowhegan, for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 204

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 28, 2003

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of

Honorable Christine Foster of Portland, for reappointment as a District Court Judge.

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

YEAS	Senators	2	Pendleton of Cumberland, Cathcart of Penobscot
	Representatives	10	Norbert of Portland, Bennett of Caribou, Bryant- Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Duprey of Hampden, Mills of Farmington, Richardson of Brunswick, Sherman of Hodgdon, Simpson of Auburn

NAYS 0

ABSENT 1 Sen. Woodcock of Franklin

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Christine Foster of Portland, for reappointment as a District Court Judge be confirmed.

Signed,

S/Peggy A. Pendleton  
Senate Chair

S/William S. Norbert  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121<sup>st</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#37)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Christine Foster** of Portland, for reappointment as a District Court Judge was **CONFIRMED**.

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

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The Following Communication: S.C. 194

**STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
18 MEADOW ROAD  
104 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0104**

April 17, 2003

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

Dear Ms. O'Brien:

Please find enclosed a copy of the FY2003 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program funding application and program work plan submitted to the Bureau of Justice Assistance.

The program requires submission of the application to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Michael P. Cantara  
Commissioner

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

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The Following Communication: S.C. 195

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

April 24, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1012 RESOLUTION, Proposing Amendments to the Constitution of Maine To Require the Appointment of County Sheriffs, Judges and Registers of Probate

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Margaret Rotundo S/Rep. Janet L. McLaughlin  
Senate Chair House Chair

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

---

The Following Communication: S.C. 196

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

April 17, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 211 An Act To Modify the County Budget Procedures for Sagadahoc County  
L.D. 308 An Act to Streamline Maine's Planning Process  
L.D. 417 An Act To Provide Cumberland County Budget Advisory Committee with Final Budget Approval Authority

- L.D. 841 An Act To Increase the Number of County Commissioners in Cumberland County
- L.D. 898 An Act To Amend the Laws Governing Sagadahoc County Commissioner Elections and Budget Hearings
- L.D. 1328 An Act To Amend the Laws Regarding County Government

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

Sincerely,

S/Sen. Margaret Rotundo S/Rep. Janet L. McLaughlin  
Senate Chair House Chair

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

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The Following Communication: S.C. 197

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

April 29, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1222 An Act To Penalize Timberland Owners rather than Truckers for Hauling Weight Violations

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

Sincerely,

S/Sen. Pamela H. Hatch S/Rep. Ronald E. Usher  
Senate Chair House Chair

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

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The Following Communication: S.C. 198

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 29, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 638 An Act To Discourage Driving While under the Influence of Methadone

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling S/Rep. George H. Bunker Jr.  
Senate Chair House Chair

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

---

The Following Communication: S.C. 199

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
LEGAL AND VETERANS' AFFAIRS**

April 22, 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. 674 An Act To Require Winners of State and Congressional Elections to Receive a Simple Majority of the Total Vote

- L.D. 802 An Act To Clarify Maine Election Laws

- L.D. 910 An Act To Promote Candidate Accountability in Elections
- L.D. 1180 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Judicial Advisory Opinion Mechanism in Disputed Election Results for Members of the Maine Senate and House of Representatives
- L.D. 1254 An Act To Change the Maine Clean Election Laws
- L.D. 1283 An Act To Allow County Candidates To Run as Clean Election Candidates
- L.D. 1300 An Act Regarding the Presence of a Candidate at a Polling Place on Election Day

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.**

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The Following Communication: S.C. 200

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 29, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 760 An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land
- L.D. 779 An Act To Repeal the Anthem Blue Cross Court Agreement of Disbursement of \$88,000,000
- L.D. 934 An Act To Allow the Videotaping of the Testimony of Witnesses 13 Years of Age and under in Certain Cases
- L.D. 1183 An Act Regarding Abandoned Rights-of-way

- L.D. 1214 An Act Regarding Confidentiality and Mental Health

- L.D. 1265 An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care

- L.D. 1306 An Act Relating to the Use and Disposal of Personal Information by Certain Commercial, Governmental and Other Entities

- L.D. 1335 An Act To Protect Public School Departments, School Committees and Superintendents from Certain Suits and Claims

- L.D. 1397 An Act To Amend the Procedure for Maine Human Rights Commission Hearings

- L.D. 1517 An Act To Make Necessary Technical Changes Relating to the Maine Business Corporation Act and the Maine Professional Service Corporation Act

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

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. William S. Norbert  
House Chair

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

---

The Following Communication: H.C. 179

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

March 31, 2003

Honorable Joy J. O'Brien  
Secretary of the Senate  
121st Legislature  
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that pursuant to House Rule 201.1 (I), the Speaker has temporarily appointed Representative Robert Duplessie of Westbrook as a member of the Joint Standing Committee on Criminal Justice and Public Safety for the duration of the absence of Representative Stan Gerzofsky of Brunswick.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

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

The Following Communication: H.C. 180

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

April 1, 2003

Honorable Joy J. O'Brien  
Secretary of the Senate  
121st Legislature  
Augusta, ME 04333

Dear Madam Secretary:

Please be advised that pursuant to House Rule 201.1 (I), the Speaker has temporarily appointed Representative John Richardson of Brunswick as a member of the Joint Standing Committee on Judiciary for the duration of the absence of Representative Stan Gerzofsky of Brunswick.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

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

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**SENATE PAPERS**

**Pursuant to Private and Special Law**

Senator YOUNGBLOOD, pursuant to Private and Special Law 2001, chapter 66, section 9 asked leave to report that the accompanying Bill "An Act Repealing the Charter of the Brewer Water District"

S.P. 547 L.D. 1594

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Ordered sent down forthwith for concurrence.

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify the Exclusion of Assumed Reinsurance from Policy Claims Priority"

H.P. 1095 L.D. 1502

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

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

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

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

---

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws"

H.P. 204 L.D. 249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-186)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186)**.

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

**READ ONCE.**

Committee Amendment "A" (H-186) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

---

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Requirements for Notification of Release to Victims of Stalkers"

H.P. 898 L.D. 1224

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-188)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-188)**.

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

**READ ONCE.**

Committee Amendment "A" (H-188) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

---

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Juvenile Code"  
H.P. 1093 L.D. 1496

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-189)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**.

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

**READ ONCE.**

Committee Amendment "A" (H-189) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

---

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce the Processing Time for Substitute Teacher Fingerprinting"  
H.P. 749 L.D. 1032

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-200)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-200)**.

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

**READ ONCE.**

Committee Amendment "A" (H-200) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Require Church Officials To Report Suspected Abuse"  
H.P. 252 L.D. 309

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-197)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197)**.

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

**READ ONCE.**

Committee Amendment "A" (H-197) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **JUDICIARY** on Bill "An Act To Increase the Collection of Child Support"  
H.P. 459 L.D. 629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-194)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**.

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

**READ ONCE.**

Committee Amendment "A" (H-194) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **JUDICIARY** on Bill "An Act Concerning the Financial Obligations of a Parent Involved in a Crime against a Child of That Parent"  
H.P. 646 L.D. 869

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-195)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195)**.

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

**READ ONCE.**

Committee Amendment "A" (H-195) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

---

The Committee on **JUDICIARY** on Bill "An Act To Establish a Right of Entry for Surveyors Performing Surveying Services" H.P. 988 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-196)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196)**.

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

**READ ONCE.**

Committee Amendment "A" (H-196) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-94) **READ**.

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. What this amendment does is to add an emergency preamble to the bill.

On further motion by same Senator, Senate Amendment "A" (S-94) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196) AND SENATE AMENDMENT "A" (S-94), in NON-CONCURRENCE.**

Sent down for concurrence.

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The Committee on **LABOR** on Resolve, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters (EMERGENCY)

H.P. 989 L.D. 1343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-190)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190)**.

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

**READ ONCE.**

Committee Amendment "A" (H-190) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Public Health and the Environment through the Collection and Recycling of Electronic Waste"

H.P. 549 L.D. 743

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-185)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-185)**.

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

**READ ONCE.**

Committee Amendment "A" (H-185) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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#### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Requiring Lifetime Probation for Dangerous Sexual Offenders"

H.P. 370 L.D. 478

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

Signed:

Senators:

STRIMLING of Cumberland  
HATCH of Somerset  
CARPENTER of York

Representatives:

BUNKER of Kossuth Township  
MAIETTA of South Portland  
SYKES of Harrison  
GROSE of Woolwich  
BLANCHETTE of Bangor  
GERZOFSKY of Brunswick  
CHURCHILL of Washburn  
LESSARD of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-215)**.

Signed:

Representatives:

GREELEY of Levant  
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 **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

---

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalties for a Person Who Vandalizes Cemetery Property"

H.P. 918 L.D. 1244

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

Signed:

Senators:

STRIMLING of Cumberland  
HATCH of Somerset  
CARPENTER of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-214)**.

Signed:

Representative:

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 **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Restore an Annual Adjustment for Costs to the School Funding Formula"

H.P. 815 L.D. 1112

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

Signed:

Senators:

DOUGLASS of Androscoggin  
BRENNAN of Cumberland  
MITCHELL of Penobscot

Representatives:

CUMMINGS of Portland  
GAGNE-FRIEL of Buckfield  
DAVIS of Falmouth  
FINCH of Fairfield  
LEDWIN of Holden  
NORTON of Bangor  
MURPHY of Kennebunk  
THOMAS of Orono  
FISCHER of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-201)**.

Signed:

Representative:

ANDREWS of York

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Extend the Authority of the Health Care System and Health Security Board" (EMERGENCY)  
H.P. 27 L.D. 20

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-113).**

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
MAYO of Sagadahoc

Representatives:

PERRY of Bangor  
BREAULT of Buxton  
CANAVAN of Waterville  
WOODBURY of Yarmouth  
O'NEIL of Saco  
PERRY of Calais  
YOUNG of Limestone

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

Signed:

Representatives:

GLYNN of South Portland  
SNOWE-MELLO of Poland  
VAUGHAN of Durham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AND HOUSE AMENDMENT "A" (H-143).**

Reports **READ.**

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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** Report, in concurrence.

---

#### Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Amend the Benefit for Accidental Death in the Line of Duty for Law Enforcement Officers"

H.P. 994 L.D. 1352

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

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot  
BLAIS of Kennebec

Representatives:

SMITH of Van Buren  
CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland  
TREADWELL of Carmel  
HATCH of Skowhegan  
PATRICK of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-202).**

Signed:

Representatives:

HUTTON of Bowdoinham  
JACKSON of Fort Kent  
WATSON of Bath

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

Reports **READ.**

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

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#### Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

H.P. 166 L.D. 207

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

Signed:

Senators:

DAMON of Hancock  
PENDLETON of Cumberland  
BENNETT of Oxford

Representatives:

BULL of Freeport  
SULLIVAN of Biddeford  
ASH of Belfast  
MUSE of Fryeburg  
McNEIL of Rockland  
KAELIN of Winterport  
BIERMAN of Sorrento  
BOWEN of Rockport

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

Signed:

Representatives:

DUGAY of Cherryfield  
PERCY of Phippsburg

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Clarify the Use of Municipal Rate of Growth Ordinances"

H.P. 416 L.D. 531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Signed:

Senators:

MARTIN of Aroostook  
EDMONDS of Cumberland  
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor  
MAKAS of Lewiston  
SAVIELLO of Wilton  
THOMPSON of China  
TOBIN of Windham  
JOY of Crystal  
ANNIS of Dover-Foxcroft

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

Signed:

Representatives:

TWOMEY of Biddeford  
HUTTON of Bowdoinham  
DAIGLE of Arundel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-159) **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-159)**, in concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require that Agency Rules be Reviewed by the Legislature"

H.P. 207 L.D. 252

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

Signed:

Senators:

ROTUNDO of Androscoggin  
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth  
STONE of Berwick  
KETTERER of Madison  
BARSTOW of Gorham  
BOWEN of Rockport  
SUSLOVIC of Portland  
SUKEFORTH of Union  
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-216)**.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush  
CROSTHWAITE of Ellsworth

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL**  
**GOVERNMENT** on Bill "An Act To Prohibit Expenditures To  
Implement Treaties Not Ratified by the United States Senate"  
H.P. 260 L.D. 317

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

Signed:

Senators:  
ROTUNDO of Androscoggin  
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth  
STONE of Berwick  
KETTERER of Madison  
BARSTOW of Gorham  
BOWEN of Rockport  
SUSLOVIC of Portland  
SUKEFORTH of Union  
BUNKER of Kossuth Township

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

Signed:

Senator:  
GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush  
CROSTHWAITE of Ellsworth

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL**  
**GOVERNMENT** on Bill "An Act To Provide Equity in Residential  
Requirements for Public Employees"

H.P. 589 L.D. 812

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

Signed:

Senators:

ROTUNDO of Androscoggin  
LaFOUNTAIN of York  
GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush  
STONE of Berwick  
KETTERER of Madison  
CROSTHWAITE of Ellsworth  
BARSTOW of Gorham  
BOWEN of Rockport  
SUKEFORTH of Union

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

Signed:

Representatives:

McLAUGHLIN of Cape Elizabeth  
SUSLOVIC of Portland  
BUNKER of Kossuth Township

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

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator LaFOUNTAIN for the Committee on **INSURANCE AND**  
**FINANCIAL SERVICES** on Bill "An Act Concerning Health  
Insurance Reimbursement and Contracting Practices"

S.P. 292 L.D. 897

Reported that the same **Ought to Pass as Amended by**  
**Committee Amendment "A" (S-90)**.

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

**READ ONCE**.

Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

---

Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update and Amend the Revised Maine Securities Act"

S.P. 495 L.D. 1489

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91)**.

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

**READ ONCE**.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

---

Senator YOUNGBLOOD for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Strengthen Delivery of Electricity Conservation Programs"

S.P. 90 L.D. 231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-88)**.

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

**READ ONCE**.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

---

Senator YOUNGBLOOD for the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Encourage Energy Efficiency and Security"

S.P. 128 L.D. 352

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-87)**.

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

**READ ONCE**.

Committee Amendment "A" (S-87) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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### Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Implement a Process That Provides for Sunsetting Health Insurance Mandates

S.P. 230 L.D. 666

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

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
MAYO of Sagadahoc

Representatives:

PERRY of Calais  
BREAULT of Buxton  
CANAVAN of Waterville  
WOODBURY of Yarmouth  
O'NEIL of Saco  
YOUNG of Limestone  
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-89)**.

Signed:

Representatives:

VAUGHAN of Durham  
GLYNN of South Portland  
SNOWE-MELLO of Poland

Reports **READ**.

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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### ENACTORS

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

Act

An Act To Clarify the Intent of School Budget Referendum  
Language

H.P. 77 L.D. 69  
(C "A" H-115)

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

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## 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  
(4/15/03) Assigned matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE**,  
**CONSERVATION AND FORESTRY** on Resolve, To Allow Public  
Camping on Number 9 Lake in Aroostook County  
H.P. 450 L.D. 620

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

Minority - **Ought to Pass as Amended by Committee**  
**Amendment "A" (H-101)** (4 members)

Tabled - April 15, 2003, by Senator **BRYANT** of Oxford

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

(In House, April 14, 2003, the Majority **OUGHT NOT TO PASS**  
Report **READ** and **ACCEPTED**.)

(In Senate, April 15, 2003, Reports **READ**.)

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

---

The Chair laid before the Senate the following Tabled and Later  
(4/29/03) Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill  
"An Act To Allow Certain Persons Representing Business Entities  
To Appear in Court in Forcible Entry and Detainer Cases"  
S.P. 143 L.D. 407

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

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

Tabled - April 29, 2003, by Senator **TREAT** of Kennebec

### Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 29, 2003, Reports **READ**.)

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

At the request of Senator **WOODCOCK** of Franklin a Division was  
had. 17 Senators having voted in the affirmative and 16 Senators  
having voted in the negative, the motion by Senator  
**PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT**  
**NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later  
(4/30/03) Assigned matter:

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

Tabled - April 30, 2003, by Senator **TREAT** of Kennebec

### Pending - **FURTHER CONSIDERATION**

(In Senate, April 16, 2003, **FAILED PASSAGE TO BE**  
**ENGROSSED**.)

(In House, April 29, 2003, **PASSED TO BE ENGROSSED**, in  
**NON-CONCURRENCE**.)

Senator **BRYANT** of Oxford moved the Senate **RECEDE** and  
**CONCUR**.

At the request of Senator **MARTIN** of Aroostook a Division was  
had. 13 Senators having voted in the affirmative and 21 Senators  
having voted in the negative, the motion by Senator **BRYANT** of  
Oxford to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **MARTIN** of Aroostook, the Senate  
**ADHERED**.

---

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

Bill "An Act To Reapportion the Districts for Representatives to  
the United States Congress"  
H.P. 1139 L.D. 1556  
(S "B" S-47)

Tabled - April 15, 2003, by Senator **TREAT** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY**  
**SENATE AMENDMENT "B" (S-47)**, in **NON-CONCURRENCE**

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

(In Senate, April 15, 2003, Senate Amendment "B" (S-47) **READ** and **ADOPTED**.)

On motion by Senator **NASS** of York, Senate Amendment "A" (S-38) **READ**.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. We going to try to revise, right now, something we haven't talked about for a few weeks, and that is the reapportionment effort on the Congressional districts.

I'm going to try to give you a little history and what the purpose of this amendment is. Obviously, I represent the Republican members of the Apportionment Commission, and it is our attempt, right now, to present a plan that is our position, as far as the Congressional District go.

Our original plan, which created an east/west divide, was rejected as too political. We came up with a second map, which created two districts that had an east/west dividing line, but protected both districts. Remember the stuff that was in the newspapers originally was a plan that created two districts by a north/south line that put the two incumbents in one district. The second plan looked very similar. I don't recall whether it was in the newspaper or not, but it had a north/south line, east/west districts, that divided the two incumbents.

Our second plan, which I just referred to, had the counties of Oxford, York, Cumberland, and Androscoggin minus the town of Wales, and Franklin County minus Wyman Township, Industry, and New Vineyard. This was offered to the commission. Although it was deemed 'interesting and with merit' by our neutral chairman, it lost 8-7 in a commission vote.

To be frank, the Democratic plan, which is before you now, changes the existing districts so that it gives a substantial number of Democratic voters to the second district. Don't forget that, in Maine, we only have two districts. So it is kind of a zero sum game here.

Our commission planned to put a number of new Republican voters in the second district. Neither plan has the 2/3<sup>rd</sup> majority to pass the legislature. So in a sense, we're going through an exercise here.

The amendment that I offer is the third Republican Congressional plan, which keeps the status quo in the truest sense of the word. That means, if you were to look at the map of both plans, they would look very similar. I'm going to describe the difference between the two plans. Currently, in our plan, the first district is Knox, Lincoln, Cumberland, Sagadahoc, York, and all of Kennebec County except Wayne, Monmouth, China, and Unity Township. In our new plan that I offer today, with the amendment S-38, which is in front of you, the first district is comprised of York, Cumberland, Sagadahoc, Lincoln, Knox, Waldo Counties, and the towns of Pittston, Chelsea, Hallowell, Augusta, Windsor, China, Albion, Unity Township, and Kennebec County. Waldo goes back into the first district, where it used to be, and more towns of Kennebec County are moved into the second district, including Waterville and Winslow, which are in the Democratic plan.

Why are we proposing this amendment? We think it is, perhaps, the better compromise then the plan before us today. The fact is that, in our plan, the voter registration margin in the new second district remains virtually intact, as was previously the case in the second district. The current Democratic margin over

Republicans is roughly 15,000 votes, and that margin is maintained within 100 votes in the compromise amendment I am offering today. The argument will be made, by those wishing to reject this plan, that this map changes the district more than the Democratic plan that is before us. If you look at the proposed maps being considered, keeping the original districts does not always seem to be such a high priority.

I will remind this body, there is no language in the constitution that required Congressional Districts to resemble the previous district. The only consideration is equal population and crossing political subdivisions the least number of times. This amendment meets those requirements more closely than the Democratic plan, since we only cross one county line and have a deviation of one person. That means, as a result of the 2000 census, Maine had an unequal number, as far as its population goes. This plan splits those into two districts, with one district having one more person than the other, which is as close as you can get numerically. Madame President, thank you.

Senator **GAGNON** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-38).

**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 will have more words about the plan if we can dispense with this amendment and move on to the plan that was adopted by the majority of the commission. At this time I would ask for a roll call, Madame President, and encourage people to dispense with this amendment so we can move on to the majority report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#38)

**YEAS:** Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

**NAYS:** Senators: BENNETT, BLAIS, CARPENTER, DAVIS, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

**ABSENT:** Senator: GILMAN

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-38), **PREVAILED**.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. The plan before the Senate today, the current plan, is the plan submitted by the majority of the Redistricting Commission. It is a plan endorsed by Dean Zillman, the neutral chair of the commission. He is a person chosen unanimously by the Democratic and Republican members of that body.

This majority plan, endorsed by Dean Zillman, is as close to perfect as is possible in meeting the Maine and the Federal Constitutional requirements of equal representation.

In 1993, the plan adopted by the Maine Supreme Judicial Court held deviation between the two districts to a difference of six people. The majority plan, before us today, is within one citizen. One citizen being equal to population. As close as possible in a state with an odd number of citizens, which must be divided into two districts. This majority plan does not divide one municipality. It adds more towns from Kennebec into the second district and moves a few from Waldo back into the first district, where they were until ten years ago. Beyond these attributes, this majority plan is preferable to all others being considered because it most closely preserves the current districts. The Democratic plan leaves 94.3% of the current second district inhabitants in the second district and 98.1% of the first district inhabitants in the first district. This is better than any of the three plans presented by the Republicans in the last four months.

This important distinction is the reason Dean Zillman found most persuasive and was the stated reason for supporting the majority plan before us today. The minimal movement of voters is highly desirable, as a matter of good government, because it preserves the relationships between voters and their elected officials and between the people in a political subdivision that make up the districts. To illustrate the latter point, consider all the government and business leaders who have developed relationships with congressional officers. Certainly the voters can decide in any election to terminate these relationships, but it is not a decision we should make for the voters, except to the extent that we are required to do so by constitutional and legal requirements.

The majority plan preserves the essential constriction of the two districts, continually in place since Maine went to two districts following the 1960 census. It is the same basic configuration that has been enacted and reenacted by the Maine Legislature in 1963, 1973, and 1983, and had been adopted by the Maine Supreme Judicial Court in 1993. The only change made over that time is that the dividing line has been adjusted slowly as the population of the state has shifted to the lower counties. This plan preserves those voting blocks and preserves the relationship built around those configurations. That is why Dean Zillman supported this and why we should end the political games, get behind the plan supported by the neutral, and enact it here today.

We would be frivolously wasting the time of the Supreme Judicial Court of Maine if we fail to deal with this matter today and instead send it to the court. I ask my Republican colleagues to join me in following the neutral's lead and enact a plan that is endorsed by him. To hold out in the vain hope that the court will ignore the neutral chair, ignore the majority of the commission, and then go on to deconstruct the traditional make up of these districts is foolish, and would represent a failure to meet our constitutional responsibilities.

So I hope that you will vote with me today in endorsing this plan.

Same Senator requested a Roll Call.

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

Senator **DOUGLASS:** Madame President, men and women of the Senate, I, too, rise in support of the current plan and hope that you will vote in favor of it. One of the pillars of our democracy is that we elect our representatives to Congress and we have a vested interest in our relationship with them. That is one of the things that must be considered when looking at how we redistrict. This plan does that. The others that have been offered by the other side did not.

It's important to remember, as well, that we have an interest in maintaining some semblance of promoting representation of the northern part of the state. It is true that population has moved from the north to the south. Nevertheless, their representation, under the other plans that were offered, would be very much diminished were our line to go in a north/south direction because then the north would not be represented very well at all. So, I submit to you, this is the best plan and it is the one you should vote for today.

On motion by Senator **GAGNON** of Kennebec, 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 (#39)

**YEAS:** Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

**NAYS:** Senators: BENNETT, BLAIS, CARPENTER, DAVIS, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

**ABSENT:** Senator: GILMAN

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-47), in NON-CONCURRENCE.**

Sent down for concurrence.

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

**ROLL CALL (#40)**

The Chair laid before the Senate the following Tabled and Later (4/30/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke the Voting Privileges of Convicted Persons in Prison  
H.P. 159 L.D. 200

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-171)** (5 members)

Tabled - April 30, 2003, by Senator **GAGNON** of Kennebec

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

(In House, April 29, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 30, 2003, Reports **READ**.)

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

Senator **LEMONT:** Thank you, Madame President, ladies and gentlemen of the Senate. I hope we can all vote against the pending motion, so we can on to pass this legislation. What this proposes to do is adopt a constitutional amendment that revokes voting privileges of any person sentenced to a term of imprisonment in a state prison.

On July 9, 1964, in the town of South Berwick, State Police Officer Charles Black lost his life. He was murdered on the streets of South Berwick. That day he lost his privilege to vote. The two who were convicted of the murder and sentenced to prison did not lose that privilege. I intend to vote today for this legislation out of respect for the family and in honor of the service and the time put in by State Police Officer Charles Black.

Let me share with you a little bit of the testimony we heard in committee concerning this bill. We heard that 48 other states restrict voting rights of those in prison. We also heard that this was very important for those incarcerated as a rehabilitation tool. 3% of those in our prisons take advantage of this privilege. I don't believe that this is a very big part of the rehabilitation. Also you will hear that this is a constitutional right. It certainly is. But that is what this legislation proposes to do, revoke that privilege. I don't believe anyone that has been tried and found guilty of a crime and is incarcerated in our state prisons should have that privilege.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: GILMAN

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Change the Name of the Maine Clean Election Act to the 'Publicly Funded Election Act'"  
H.P. 198 L.D. 243

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

Minority - **Ought to Pass** (6 members)

Tabled - April 28, 2003, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 16, 2003, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

(In Senate, April 28 2003, Reports **READ**.)

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

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. It seems to be my day, I'm usually sitting over here fairly quietly. I would encourage you to vote for the majority Ought Not to Pass report. The Clean Election Fund, for whatever its deficiencies may be, the committee is looking at some of those deficiencies and has bills before it that will be looking at those items. Keep in mind that the bill today does nothing for any of those deficiencies that you may be concerned

about. This is simply a bill to change the name of the Clean Election Act to something different.

The people of the State of Maine, when they were voting on this issue by referendum, felt strongly about the issue, and voted for it fairly overwhelmingly. The entire campaign associated with the act had to do with the Clean Election Act. I had some concerns early on that the initiative being called the Clean Election Act would identify those who chose not to participate with the Clean Election Act be considered something other than clean. We all thought people not running under the Clean Election Act might be considered dirty. In fact, that concern has been taken care of, over the past few years that we've had the Clean Election Act. The standard term for those who do not chose to run as a Clean Election candidate is traditional. It is a term that we heard repeatedly in the committee. It is a term that we read about in the paper on a regular basis. That is generally what every side of this issue has agreed to call those who chose not to participate in the Clean Election Act. That is that they are participating as a traditional candidate.

Again, keep in mind this act is simply to change what the people voted for in the Clean Election Act. We, being one of the first states to have a Clean Election Act like this, have many other places in this country looking to Maine and making sure that we do not, in any way, diminish what it is we are trying to accomplish, which is, in fact, this ideal of having clean elections.

Does this act do it all by itself? Well, of course not. It would be very difficult and there have been many attempts to prevent, in some way, people from doing certain things. Because of our United States Constitution, we are very limited. This is the best piece of legislation, so far, as imperfect as it is, that tries to address these issues.

Again, the concerns you may have about the act are being addressed in committee, as best we can, staying within the constitutional parameters that we have. We didn't think it was wise, at this time, to change the will of the people by changing the name of the act simply for the sake of changing the name of the act. I encourage all of you, or any of you, who have concerns about the Clean Election Act, other than the name, to contact me, or any of the committee members that are here, so that we can consider those issues as we take up other pieces of legislation throughout the remainder of the session.

So, Madame President, I would ask for a roll call on this important issue and I would encourage everyone to vote with me and not change the name of what the people selected as the Clean Election Act. Thank you.

Senator **GAGNON** of Kennebec requested a Roll Call.

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

Senator **SHOREY:** Thank you, Madame President. I'd like to pose a question through the chair for anyone who cares to answer.

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

Senator **SHOREY:** Thank you, Madame President. It is my understanding that the name was not part of the referendum. I am curious if anyone could tell me who came up with that name? Thank you.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of this body. In answer to the question of the good Senator from Washington, Senator Shorey, I believe that what he is referring to, as the name, came to us through the Ethics Commission early on.

I stand today in opposition to the motion of the good Senator from Kennebec, Senator Gagnon. While I support the Clean Election Act, I have never participated in it. What bothers me is what came, not as a result of the vote of the people and not as a result of the original act, is the naming of candidates who either chose to run under the Clean Election Act or not to. That is what this particular piece of legislation is addressing and I would urge consideration by this body of making that change. We're not changing anything else to do with the Clean Election Act itself. I think that a strong majority of the Legal and Veterans' Affairs Committee does, in fact, support that particular piece of legislation. This is just to clarify, once and for all, the name attached to people who run either under it or don't chose to run under that particular piece of legislation. Thank you.

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

Senator **LEMONT:** Thank you, Madame President, ladies and gentlemen of the Senate. I, too, rise in opposition of the pending motion. I also recognize the fact, as the good Senator and chair of the Legal and Veterans' Affairs Committee, that this is a very worthwhile program. It has a great deal of integrity. It is recognized throughout the nation. This piece of legislation does nothing more than changes the name. I believe it is long overdue to name the act to accurately reflect what it actually does.

I'd like to share with you, for your benefit, what the people of the State of Maine voted on in 1996 when that question that was on the ballot. 'Do you want to adopt new campaign finance laws and give public funding to candidates for state office who agree to spending limits?' Nowhere in the question was the word clean. I would like to share with you now what clean actually means. If you look it up in the dictionary, the definition of clean is 'morally pure and not obscene or indecent.' I have a real concern with naming it the Clean Election Act and what it says about those who chose to run traditionally, who chose not to take state funds to run their election. I think, once again, I'll reiterate, we're long overdue. Name the act so it explains exactly what it does. I think, if anything, it may encourage participation when people understand what it does and what is available to them when they run for elective office. Thank you, Madame President.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I definitely appreciate the reference to the dictionary, as a librarian.

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Proceedings Interrupted by Fire Alarm.

Senate called to order by the President.

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Off Record Remarks

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I'll try again. Let's see, where were we? I was appreciating the dictionary. I still appreciate the dictionary. I just want to add a couple of thoughts to this debate.

Basically, I am in opposition to this bill and in favor of the motion. The only thing I want to add is that throughout the nation, like it or not, this act is known as the Maine Clean Election Act. One of my colleagues remarked that it was sort of like main recognition, branding of a product. It's known that way. Many of us have had conversations with legislators in other states. Some people in the legislature have traveled to other states to speak on behalf of the Maine Clean Election Act. I just think it would be unfortunate to, in the middle of the stream, change horses. So I hope you will vote with the majority Ought Not to Pass. Thank you.

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

Senator **STRIMLING:** Thank you very much, Madame President. I, also, rise in support of the motion. In response to the issue about clean election not being on the question, it should be noted and remembered, on the ballot this was referred to as the Maine Clean Election Act forty-seven times. It may not have been in the actual question, but on the ballot, forty-seven times for the voters to see, it was called the Maine Clean Election Act. In all the editorials that were written around the state, it was referred to as the Maine Clean Election Act. In the debate on the floor, here in this body, it was referred to as the Maine Clean Election Act. Nothing has been pulled over anybody's eyes. People knew what they were voting for. Changing the name here is, without question, an attempt, unfortunately, to try to do damage to this law.

As we saw in Massachusetts, they changed the name from the Clean Election Act to Publicly Financed and then they defunded it. When it was on the ballot called Publicly Financed, it lost even though it had won before when it was the Clean Election Act. I think it is important. We don't characterize everything that government does as publicly financed. We don't call this the Publicly Financed State Senate. We call it the State Senate. That is the name. That is the name it has been given. That is the name it is understood as. We know the candidates that are not running under the Clean Election Act are not called dirty. They are called traditional. People accept that. It is the same way that people accept the Clean Election candidates.

So I urge my colleagues to vote with us for this motion, Ought Not to Pass. Thank you.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of the motion. I speak on behalf of the morally pure today. This must be one of the most underhanded attempts I've ever seen to lobby votes. To pull a fire alarm, and out in the parking lot, you could, on behalf of the morally impure, gather more votes. I would just offer to all of you who haven't participated in this process as a morally pure candidate, there will be other opportunities in the future. This act will go forward. It doesn't matter whether it is called the Publicly Funded Election Act, the Clean Election Act, the People's Act, the Morally Pure, the Morally Impure, or whatever you chose to call it, what matters more is how it is managed. We've tinkered with this process since its initiation. I'm a supporter of the process. I'll be a supporter of this motion. I want to clearly say to those who are seated in this body today as morally impure election candidates, you are forgiven.

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

Senator **BLAIS:** Thank you, Madame President. I rise today in opposition to the motion. All I would like to say is that I am one of the minorities here today. I ran as a traditional candidate. Only by running as a traditional candidate, with this act in existence, can you really know what it is like to go door-to-door and struggle with explaining to people how you are running when they say to you, with a little snicker, 'are you a clean candidate?' You can say, 'yes, I'm a traditional candidate.' But that really doesn't matter to them. There is something else in their minds that they see in reference to using the word clean when it comes to a candidate. I can say that I definitely oppose this motion and support the legislation. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. As chairman of the Facilities Subcommittee of the Legislative Counsel, I'd like to thank you for how orderly you left the building. I'd also like to assure you that the toaster oven is gone, as we speak, so I've been told.

But men and women of the Senate, I'd like to continue this debate. I want to just bring us back to what the election was, a few years ago, when the people of the State of Maine voted for this act. As you recall, there was a lot of publicity surrounding the act. The term Clean Election was mentioned, as someone noted, over forty times. People knew what they were voting for. To suggest that they didn't, I think, is an insult to the voters of this state. They understand what it is, what it does, and they supported it. They support it with this name. They continue to support it.

For those who are concerned about what they might be called if they were not under the Clean Election Act, the term traditional has stuck. I'm glad to hear that people are standing up and saying that they are actually proud of being traditional candidates, because they don't support the act or don't want to take the money. Whatever the reason, no one seems to be ashamed of indicating that they are traditional candidates. To those who have said that they were concerned, as they went door-to-door, they are here today to say that; so it obviously didn't have a major impact on the voters of that particular district.

I would encourage you to vote for the pending motion. Thank you.

On motion by Senator **GAGNON** of Kennebec, 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 (#41)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CATHCART, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, MARTIN, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, CARPENTER, DAMON, DAVIS, KNEELAND, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, NASS, SAWYER, SHOREY

ABSENT: Senator: GILMAN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Ordered sent down forthwith for concurrence.

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

#### ORDERS

##### Joint Order

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 549

ORDERED, the House concurring, that Bill, "An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury," House Paper 701, Legislative Document 944, and all its accompanying papers be recalled from the Engrossing Division to the Senate.

**READ and PASSED.**

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

##### House Paper

Bill "An Act To Enhance Electric Utility Consumer Protections"  
H.P. 1169 L.D. 1595

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, 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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**RECESSED** until 1:15 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

##### Senate

##### Ought to Pass

Senator PENDLETON for the Committee on **JUDICIARY** on Bill "An Act To Release the Records of the Attorney General and the Maine State Police Regarding the Investigation, Prosecution and Trial of Dennis Dechaine"

S.P. 369 L.D. 1097

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

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

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

Sent down for concurrence.

Senator PENDLETON for the Committee on **JUDICIARY** on Bill "An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings"

S.P. 493 L.D. 1487

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

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

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

Sent down for 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**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

H.P. 1117 L.D. 1526

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

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

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

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Permit Electronic Notification of Rulemaking for Interested Parties" (EMERGENCY)

H.P. 1120 L.D. 1528

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

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

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

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

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

#### REPORTS OF COMMITTEES

##### House

##### **Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole"

H.P. 254 L.D. 311

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-210)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210)**.

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

##### **READ ONCE**.

Committee Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Land to Baron and Janet Wormser

H.P. 794 L.D. 1076

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-204)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**.

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

##### **READ ONCE**.

Committee Amendment "A" (H-204) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

#### REPORTS OF COMMITTEES

##### House

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole"

H.P. 977 L.D. 1323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-209)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209)**.

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

**READ ONCE.**

Committee Amendment "A" (H-209) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **NATURAL RESOURCES** on Resolve, To Prohibit the Discharge of Certain Wastewater into Casco Bay  
H.P. 943 L.D. 1271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-207)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207)**.

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

**READ ONCE.**

Committee Amendment "A" (H-207) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 **MARINE RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1023 L.D. 1396

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-206)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206)**.

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

**READ ONCE.**

Committee Amendment "A" (H-206) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Update the Requirements of Counties' and Municipalities' Audit Reports"

H.P. 1050 L.D. 1431

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211)**.

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

**READ ONCE.**

Committee Amendment "A" (H-211) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Administration of State-municipal Revenue Sharing"

H.P. 1060 L.D. 1448

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-205)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205)**.

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

**READ ONCE.**

Committee Amendment "A" (H-205) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

## REPORTS OF COMMITTEES

### Senate

#### Ought to Pass

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish New License Fee Caps"

S.P. 479 L.D. 1441

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

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

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

Sent down for concurrence.

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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:

## ORDERS

### Joint Order

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

S.P. 552

ORDERED, the House concurring, that the Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business is established as follows.

1. Committee established. The Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business, referred to in this order as "the committee," is established.

2. Membership. The committee consists of the following 9 members:

A. Four members of the Senate, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Appropriations and Financial Affairs, one of whom serves on the Joint Standing Committee on Criminal Justice and Public Safety and 2 of whom serve on the Joint Standing Committee on Legal and Veterans Affairs; and

B. Five members of the House of Representatives, appointed by the Speaker of the House, 2 of whom serve on the Joint Standing Committee on Appropriations and Financial Affairs, one of whom serves on the Joint Standing Committee on Criminal Justice and Public Safety and 2 of whom serve on the Joint Standing Committee on Legal and Veterans Affairs.

3. Committee chairs. The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which must be no later than August 15, 2003.

5. Duties. The committee shall hold its meetings at various locations in the State, to be determined by the chairs.

The committee shall gather information and request necessary data from public and private entities in order to review the progress of the implementation of the privatization of the State's wholesale liquor business. In conducting its study, the committee shall specifically:

A. Review the bidding process by which the State will lease the wholesale liquor distribution rights to a private distributor; and

B. Explore issues associated with the responsibility for enforcement of the laws governing the manufacture, importation, storage and sale of all liquor and with administering the laws relating to licensing and the collection of taxes on malt liquor and wine.

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 the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. Report. No later than December 3, 2003, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 121st Legislature. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 121st Legislature at the time of submission of its report.

9. Extension. If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Budget. The chairs of the committee, with assistance from the 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. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

**READ.**

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

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

**ENACTOR**

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

**Pursuant to Statutes**

An Act To Reapportion the Districts for Representatives to the United States Congress

H.P. 1139 L.D. 1556  
(S "B" S-47)

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 (#42)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: GILMAN

Pursuant to the Maine Revised Statutes, Title 21-A, Section 1206 and having received the affirmative vote of 18 Members of the Senate, with 16 Senators having voted in the negative, and 18 being less than two-thirds of those members present and voting, **FAILED ENACTMENT, in NON-CONCURRENCE.**

Sent down for concurrence.

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

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

**Off Record Remarks**

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Monday, May 5, 2003, at 10:00 in the morning.