

MAINE STATE LEGISLATURE

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

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

In Senate Chamber
Wednesday
May 7, 2003

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

Prayer by Reverend Jung Sun Oh, Brunswick United Methodist
Church.

REVEREND OH: Let us pray. Oh, Creator of Heaven and Earth
and human beings, the Heaven, the Tao, the harmony of Yin and
Yang, and the Divine. We turn to You in troubled times. Daily in
the newspapers and TV news we read and watch of hatred and
violence, terrorism, war, crime, greed and lust. We know that
human beings were made for a better life than this. In wanting to
change the world, we find ourselves frustrated at every turn.
Being frustrated, we grow anxious, and growing anxious, we
become bitter.

So much is wrong with the whole world, oh Divine. We want
to help, but we don't know how. So we turn to You, asking You to
help us. Grant us that in any time of disagreement, we speak as
if in Your presence. Calm us until we seek not so much to
conquer the one with whom we stand at odds as to let Your will
control the struggle and give You charge of what we say and do.

We live among a multitude of fearful people and we are often
fearful too. We are afraid of high prices and still higher prices;
afraid of losing jobs, losing health insurance, losing our
investments, our Social Security benefits; afraid of accident,
terrorism, and war; afraid of diseases and old age and
insecurities.

We ask for Your continued presence with us. Help us, guide
us, and be with us. Encourage us to believe that what we say we
believe, to put in You the trust, not only with our words, but also
our bodies and souls. Oh Divine, we ask for Your abundant
blessings upon these Senators, our public servants, so that they
may hear the voices of the people of Maine and serve the people
of Maine faithfully. We pray for this nation and also we pray for
the peace of the world. Creator of Heaven and Earth and human
beings, the Heaven, the Divine, hear our prayer. Amen.

Reading of the Journal of Tuesday, May 6, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Provide Parity in Lending by State-chartered
Financial Institutions"

S.P. 223 L.D. 614
(C "A" S-82)

In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS
AMENDMENT BY COMMITTEE AMENDMENT "A" (S-82).**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-82) AS
AMENDED BY HOUSE AMENDMENT "B" (H-246)** thereto, in
NON-CONCURRENCE.

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

Joint Order

The following Joint Order:

H.P. 1176

ORDERED, the Senate concurring, that the Joint Standing
Committee on Legal and Veterans Affairs may report out, to the
House, a bill regarding liquor enforcement.

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

READ.

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

Joint Resolution

The following Joint Resolution:

H.P. 1178

**JOINT RESOLUTION MEMORIALIZING THE
UNITED STATES CONGRESS TO RAISE THE
WEIGHT LIMIT ON INTERSTATE 95**

WE, your Memorialists, the Members of the One Hundred and
Twenty-first Legislature of the State of Maine now assembled in
the First Regular Session, most respectfully present and petition
the United States Congress, as follows:

WHEREAS, Interstate 95 in the State of Maine, which is part of
the Dwight D. Eisenhower System of Interstate and Defense
Highways and is governed by the Federal-Aid Highway Act of
1956, is central to Maine's commerce and industry; and

WHEREAS, the weight limit on the Interstate Highway System is
set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and
consequently by Maine statute, yet the State of Maine has a
100,000-pound limit on its secondary roads, which does not
match the national limit; and

WHEREAS, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 561

**STATE OF MAINE
121ST MAINE LEGISLATURE**

May 6, 2003

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Samuel Spencer Gulliver of Blue Hill for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

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

Sent down for concurrence.

The Following Communication: H.P. 1180

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

May 6, 2003

Honorable Millicent MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under HP 1179 I hereby appoint the following Representatives to serve as members of the Joint Select Committee on Health Care Reform:

Representative Christopher O'Neil of Saco
Representative Thomas Kane of Saco
Representative Richard Mailhot of Lewiston
Representative Benjamin Dudley of Portland
Representative Marilyn Canavan of Waterville
Representative William Earle of Damariscotta
Representative Anne Perry of Calais
Representative Sawin Millett of Waterford
Representative Kevin Glynn of South Portland
Representative Thomas Shields of Auburn
Representative Florence Young of Limestone

If you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Patrick Colwell
Speaker of the House

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: S.C. 217

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

May 6, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under H.P. 1179, I am pleased to appoint the following Senators to serve on the Joint Select Committee on Health Care Reform:

Senator Michael Brennan of Cumberland, Chair
Senator Lloyd LaFountain of York
Senator Arthur Mayo of Sagadahoc
Senator Karl Turner of Cumberland

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 215

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|-----------|--|
| L.D. 649 | An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment |
| L.D. 1351 | An Act Regarding the Labeling of Returnable Containers |

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy B. Sullivan
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 216

**121ST LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|-----------|--|
| L.D. 302 | An Act To Make Adjustments to the Renewable Energy Portfolio |
| L.D. 540 | Resolve, To Ensure Optimal Energy Efficiency in State-funded Construction |
| L.D. 1053 | An Act To Enhance Renewable Power |
| L.D. 1187 | An Act To Establish Minimum Energy Efficiency Standards for Products Sold in the State |
| L.D. 1373 | Resolve, To Establish the Commission on Comprehensive Energy Planning |

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

Sincerely,

S/Sen. Christopher Hall
Senate Chair

S/Rep. Lawrence Bliss
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Amend the Law Relating to Multiple-employer Welfare Arrangements" (EMERGENCY)

S.P. 559 L.D. 1605

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative BREault of Buxton and Senators: DOUGLASS of Androscoggin, MAYO of Sagadahoc, Representatives: O'NEIL of Saco, SULLIVAN of Biddeford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Adult Protective Services Act"

S.P. 560 L.D. 1606

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Representative BRYANT-DESCHENES of Turner and Representatives: BULL of Freeport, CAMPBELL of Newfield, NORBERT of Portland, WALCOTT of Lewiston.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Expedite the Drilling of Private Drinking Water Wells"

S.P. 558 L.D. 1604

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative LUNDEEN of Mars Hill and Senators: DAMON of Hancock, HALL of Lincoln, HATCH of Somerset, STANLEY of Penobscot, YOUNGBLOOD of Penobscot, Representative: BLISS of South Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Separate the Office of Tourism from the Office of Community Development"

H.P. 1033 L.D. 1406

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 Enhance Professionalism of Private Investigators in this State"

H.P. 735 L.D. 1014

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-249)**.

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

READ ONCE.

Committee Amendment "A" (H-249) **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 Laws Pertaining to the Department of Corrections"

H.P. 1094 L.D. 1497

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-248)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**.

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

READ ONCE.

Committee Amendment "A" (H-248) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Include a Representative of Mental Health Providers on the Board of Directors of the Maine Health Data Organization"
H.P. 329 L.D. 421

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-253)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)**.

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

READ ONCE.

Committee Amendment "A" (H-253) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Regulate Assessments of the Maine Health Data Organization"

H.P. 417 L.D. 532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-255)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

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

READ ONCE.

Committee Amendment "A" (H-255) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Apply Uniform Fire Code Standards to Preschool Facilities Regardless of Funding Source"

H.P. 808 L.D. 1105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-254)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**.

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

READ ONCE.

Committee Amendment "A" (H-254) **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 **NATURAL RESOURCES** on Bill "An Act To Reduce Mercury Use in Measuring Devices and Switches"
H.P. 856 L.D. 1159

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250)**.

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

READ ONCE.

Committee Amendment "A" (H-250) **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 **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Release the State's Interests in an Easement Benefiting the Maine Criminal Justice Academy in Vassalboro

H.P. 1012 L.D. 1377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-252)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**.

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

READ ONCE.

Committee Amendment "A" (H-252) **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 **TAXATION** on Bill "An Act To Amend the Lien Procedures for Time-share Estates"

H.P. 248 L.D. 305

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-233)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-233)**.

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

READ ONCE.

Committee Amendment "A" (H-233) **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 **TAXATION** on Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices
H.P. 359 L.D. 467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-235)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)**.

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

READ ONCE.

Committee Amendment "A" (H-235) **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 **TAXATION** on Bill "An Act To Restrict a School District from the Wholesale Attachment of Personal Property if a Town Defaults on Its School Commitment"

H.P. 435 L.D. 572

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)**.

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

READ ONCE.

Committee Amendment "A" (H-251) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Committee on **TAXATION** on Bill "An Act To Allow the State To Claim a Setoff against a Convicted Person's Tax Refund for Purposes of Paying Restitution"

H.P. 778 L.D. 1060

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-236)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)**.

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

READ ONCE.

Committee Amendment "A" (H-236) **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 **TRANSPORTATION** on Bill "An Act To Ensure That Title Applications are Timely Delivered"

H.P. 233 L.D. 290

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.

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

READ ONCE.

Committee Amendment "A" (H-242) **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 **TRANSPORTATION** on Bill "An Act To Require That Temporary Registration Plates Identify the Issuing Dealership"

H.P. 1046 L.D. 1427

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-244)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**.

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

READ ONCE.

Committee Amendment "A" (H-244) **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 **TRANSPORTATION** on Bill "An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers"

H.P. 1072 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-245)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245)**.

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

READ ONCE.

Committee Amendment "A" (H-245) **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 **TRANSPORTATION** on Bill "An Act To Allow the Early Submission of an Application To Become Licensed as a Motor Vehicle Inspector"

H.P. 1102 L.D. 1509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-243)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)**.

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

READ ONCE.

Committee Amendment "A" (H-243) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Prepare Maine's Students for Active Citizenship (EMERGENCY)

H.P. 333 L.D. 425

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-239)**.

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

CUMMINGS of Portland

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 Not To Pass**.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

GAGNE-FRIEL of Buckfield

ANDREWS of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**.

Reports **READ**.

Senator **DOUGLASS** of Androscoggin 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the County Contingent Fund"

H.P. 324 L.D. 416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-237)**.

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
CROSTHWAITE of Ellsworth
BARSTOW of Gorham
SUSLOVIC of Portland
BUNKER of Kossuth Township

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

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
BOWEN of Rockport
SUKEFORTH of Union

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-237)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-237) **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-237)**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State"

H.P. 525 L.D. 719

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

Signed:

Senator:

GILMAN of Cumberland

Representatives:

STONE of Berwick
KETTERER of Madison
CROSTHWAITE of Ellsworth
BARSTOW of Gorham
BOWEN of Rockport
BUNKER of Kossuth Township

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
SUSLOVIC of Portland
SUKEFORTH of Union

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Reports **READ**.

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

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

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate

Ought to Pass

Senator DOUGLASS for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility"

S.P. 328 L.D. 987

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 EDMONDS for the Committee on **LABOR** on Bill "An Act To Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries"

S.P. 519 L.D. 1544

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.

Ought to Pass As Amended

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Laws Governing the Qualification of Candidates"

S.P. 321 L.D. 980

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-108)**.

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

READ ONCE.

Committee Amendment "A" (S-108) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To List Agriculture as a Designated Use in Water Quality Standards"

S.P. 162 L.D. 443

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-106)**.

Report **READ**.

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. For legislative intent, I want to add the following comments so that it will be clear if anyone should question what we are doing. The federal requirements state that the State 'must take into consideration the use and value' of many potential uses, including fishing, shellfish, recreation, and agriculture. The legislature believes agriculture should be a designated use, but only after resolving the issue of protecting water qualities in our lakes, rivers, and streams. This makes sense from a policy perspective and noting in federal regulations precludes the State from doing that.

ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-106) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Update Water Quality Criteria"

S.P. 491 L.D. 1485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-107)**.

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

READ ONCE.

Committee Amendment "A" (S-107) **READ** and **ADOPTED**.

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Amend the Laws Governing Home Instruction
S.P. 83 L.D. 160
(C "A" S-79)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Increase Access to Higher Education
S.P. 108 L.D. 326
(C "A" S-71)

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

Emergency Measure

An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds
S.P. 428 L.D. 1326
(C "A" S-73)

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

Emergency Measure

An Act To Establish a Right of Entry for Surveyors Performing Surveying Services
H.P. 988 L.D. 1342
(C "A" H-196; S "A" S-94)

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

Emergency Measure

An Act To Permit Electronic Notification of Rulemaking for Interested Parties
H.P. 1120 L.D. 1528

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources
H.P. 1023 L.D. 1396
(C "A" H-206)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections
H.P. 1117 L.D. 1526

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

Off Record Remarks

Mandate

An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws

H.P. 204 L.D. 249
(C "A" H-186)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

An Act To Increase Requirements for Notification of Release to Victims of Stalkers

H.P. 898 L.D. 1224
(C "A" H-188)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms

S.P. 70 L.D. 147

An Act To Clarify the Use of Municipal Rate of Growth Ordinances

H.P. 416 L.D. 531
(C "A" H-159)

An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund

S.P. 205 L.D. 596
(C "A" S-72)

An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants

S.P. 245 L.D. 707
(C "A" S-75)

An Act To Develop a Plan for Cathode Ray Tube Disposal

H.P. 549 L.D. 743
(C "A" H-185)

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
(C "A" H-195)

An Act Relating to Motorcycles and Driver Education

S.P. 289 L.D. 894

An Act Pertaining to Trustee Services for the Maine Turnpike Authority

S.P. 302 L.D. 906

An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test

S.P. 311 L.D. 970
(C "A" S-76)

An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting

H.P. 749 L.D. 1032
(C "A" H-200)

An Act To Enhance Juvenile Rehabilitation

S.P. 397 L.D. 1192
(C "A" S-77)

An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses

S.P. 457 L.D. 1387
(C "A" S-70)

An Act To Create a Marine Harvesting Demonstration License

S.P. 459 L.D. 1389
(C "A" S-69)

An Act To Update the Requirements of Counties' and Municipalities' Audit Reports

H.P. 1050 L.D. 1431
(C "A" H-211)

An Act To Clarify the Administration of State-municipal Revenue Sharing

H.P. 1060 L.D. 1448
(C "A" H-205)

An Act To Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues

S.P. 485 L.D. 1453
(C "A" S-81)

An Act To Amend the Debt Management Services Laws

S.P. 486 L.D. 1458

An Act To Update and Clarify the Law Regarding the Conversion of a Nonprofit Hospital and Medical Service Organization to a Domestic Stock Insurer

S.P. 496 L.D. 1490

An Act To Amend the Maine Juvenile Code

H.P. 1093 L.D. 1496
(C "A" H-189)

An Act To Clarify the Exclusion of Assumed Reinsurance from
Policy Claims Priority

H.P. 1095 L.D. 1502

An Act To Establish Fee Caps under the Maine Insurance Code
S.P. 510 L.D. 1522

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

An Act To Require Church Officials To Report Suspected Abuse
H.P. 252 L.D. 309
(C "A" H-197)

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

An Act To Stimulate Economic Growth in Northern Penobscot
County

S.P. 117 L.D. 335
(C "A" S-65)

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

An Act to Strengthen State Investment in the University of Maine
System for Applied Research and Development

S.P. 119 L.D. 337
(C "A" S-66)

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

Resolves

Resolve, To Lower the Costs of Prescription Drugs through the
Use of the Federal Public Health Service Act

S.P. 249 L.D. 711

Resolve, Directing the Family Law Advisory Commission To
Study and Report on the Uniform Parentage Act and Similar Laws
and Proposals

H.P. 642 L.D. 865
(C "A" H-127)

Resolve, Authorizing the Commissioner of Administrative and
Financial Services To Convey Land to Baron and Janet Wormser

H.P. 794 L.D. 1076
(C "A" H-204)

Resolve, To Rename the Paddy Hill Road in Medford the Clyde
Hichborn Road

S.P. 431 L.D. 1329
(C "A" S-78)

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

Resolve, To Renew the Veterans' Emergency Assistance
Program

S.P. 350 L.D. 1021
(C "A" S-74)

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND**
FORESTRY on Bill "An Act To Provide Financing Relief for Maine
Dairy Farmers" (EMERGENCY)

H.P. 1013 L.D. 1378

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-271).

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**
COMMITTEE AMENDMENT "A" (H-271).

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

READ ONCE.

Committee Amendment "A" (H-271) **READ** and **ADOPTED**, in
concurrence.

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

Ordered sent forthwith to the Engrossing Division.

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 (4/29/03) Assigned matter:

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify Arrest Powers of Law Enforcement Officers"

H.P. 361 L.D. 469

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-123)**

Tabled - April 29, 2003, by Senator **STRIMLING** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 28, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123).**)

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

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-123) **READ.**

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-111) to Committee Amendment "A" (H-123) **READ.**

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

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. The Criminal Justice and Public Safety Committee did a good job on tightening up the present powers of law enforcement officers. Basically, what they did was to remove the powers of the part-time deputies, they already had the power to go statewide to arrest someone. The one thing they did do was to broaden the powers of the police officers of the University of Maine System. I do not believe that the University of Maine police officers, who are hired by the University of Maine, should have the power of law enforcement officers to make arrests in any part of the state. What I have done, with this amendment, is to remove the new authority that was being given to them in this bill. Basically, I am restricting their powers to what they presently are.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-111) to Committee Amendment "A" (H-123) **ADOPTED.**

Committee Amendment "A" (H-123) as Amended by Senate Amendment "A" (S-111) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123) AS AMENDED BY SENATE AMENDMENT "A" (S-111)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts"

H.P. 823 L.D. 1120

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 29, 2003, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

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

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. This bill is an expansion of current law. Under current law, non-compete clauses in broadcasting industry contracts are presumed unreasonable, but the law presently excludes employment contracts with sales representatives. This bill removes that exclusion.

During the hearings we heard pros and cons in this area. It's very clear to me that Maine's media market is rather narrow. There is one media market for the whole state, or maybe two. What happens, for a sales representative, if they chose to leave one place to go work somewhere else, they are forbidden to do that within that media market. It could cause folks real hardship in terms of finding a new job. The concern registered by some is that perhaps people would take their client list with them. There was no testimony to that effect. It was just a concern raised. So I would urge you to join me in supporting the majority Ought to Pass report, allowing sales representatives who work in the broadcasting industry the chance to be able to move freely between jobs and among jobs in the state. Thank you.

Senator **BLAIS** of Kennebec requested a Division.

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

Senator **BENNETT:** Thank you, Madame President. I request permission to pose a question through the chair?

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you. To anyone who may wish to respond, does this provision apply to all employees in the broadcasting industry or just to the sales force, as indicated by the previous speaker?

THE PRESIDENT: The Senator from Oxford, Senator Bennett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMONDS:** Thank you, Madame President. I'll try to answer this question. It is my understanding that this exempts only sales representatives.

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

Senator **BLAIS:** Thank you, Madame President, ladies and gentlemen of the Senate. I would also point out that the law currently exempts talent as well in terms of non-compete clauses and I would like to make a correction in terms of what the good Senator from Cumberland, Senator Edmonds, said earlier. There was testimony against this provision by the Maine Association of Broadcasters.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Edmonds to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#46)

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

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

ABSENT: Senators: HALL, SHOREY, YOUNGBLOOD

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, **READ TWICE**.

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

The Chair laid before the Senate the following Tabled and Later (5/1/03) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-113)** (10 members)

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

Tabled - May 1, 2003, by Senator **LAFOUNTAIN** of York

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

(In House, April 30, 2003, 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).**)

(In Senate, May 1, 2003, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-113) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-143) **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-113) AND HOUSE AMENDMENT "A" (H-143)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/1/03) Assigned matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-89)** (3 members)

Tabled - May 1, 2003, by Senator **LAFOUNTAIN** of York

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

(In Senate, May 1, 2003, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/5/03) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Increase the Compensation of Jurors"
H.P. 344 L.D. 452

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-142)** (8 members)

Minority - **Ought Not to Pass** (5 members) (Tribal Representative)

Tabled - May 5, 2003, by Senator **PENDLETON** of Cumberland

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

(In House, May 1, 2003, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.)

(In Senate, May 5, 2003, Reports **READ**.)

On motion by Senator **WOODCOCK** of Franklin, 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 (#47)

YEAS: Senators: **BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, GILMAN, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, TURNER, WESTON, THE PRESIDENT - BEVERLY C. DAGGETT**

NAYS: Senators: **BENNETT, BLAIS, CARPENTER, DAVIS, MITCHELL, NASS, WOODCOCK**

ABSENT: Senators: **HALL, SHOREY, YOUNGBLOOD**

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-142) **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-142)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/5/03) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

H.P. 1010 L.D. 1375

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-121)** (2 members)

Tabled - May 5, 2003, by Senator **HATCH** of Somerset

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

(In House, May 1, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 5, 2003, Reports **READ**.)

On motion by Senator **BENNETT** of Oxford, 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 (#48)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, TURNER, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, NASS, WESTON, WOODCOCK

ABSENT: Senators: HALL, SHOREY, YOUNGBLOOD

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **HATCH** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/5/03) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act Regarding the Operation of Vending Services in Public Buildings"

S.P. 417 L.D. 1286

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-92)** (5 members)

Tabled - May 5, 2003, by Senator **EDMONDS** of Cumberland

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

(In Senate, May 5, 2003, Reports **READ**.)

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I hope you will join me in supporting the Ought Not to Pass report. What this bill does is removes the requirement that the officer, board, or any authority in charge of a public building or property, grant the Department of Labor, Division of the Blind or Visually Impaired, authority to place vending machines, operated by the division, in the building or property if the vending facility, operated by a blind person, is not warranted.

Now I will try to explain that. You may be aware that presently the Department of Labor, Division of the Blind and Visually Impaired allows that, in public buildings, someone who is

blind or visually impaired may operate a concession and they may also operate vending machines. If someone is not available, who is either blind or visually impaired, that contract may be let to someone else. A chunk of that money, that goes towards that contract, comes back to the Division of the Blind or Visually Impaired and is used to support blind and visually impaired folks in their employment efforts. This bill would remove that ability. I just think that it is not a very large amount of money and it's been presently well used by the blind and visually impaired. I don't think there is any need to change the present statute.

I would urge you to vote in support of the majority Ought Not to Pass. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise today to ask you to please vote against the motion on the floor so that we can vote for the Ought to Pass minority report. I would like to speak to my reasoning for that.

In the 119th legislature, we appointed an advisory committee on fair competition with private enterprise to review complaints where competition with private enterprise is potentially unfair. This advisory committee was appointed by the Governor, government agencies, government employees, and private sector representatives to meet to review complaints on government competition with private enterprise. This committee began its work in the year 2000.

The very first complaint that they received was against the Maine Division of the Blind and Visually Impaired. They claimed that the MDBVI for vending services was unfair. The advisory committee determined there was unfair competition and recommended that this preference be eliminated. They worked tediously for over a year; investigating the reports, and looking at some of the agencies that they placed and where they placed them. They came in with a report to the committee. The way the law reads is, that if the committee finds that it is necessary to have legislation come in to correct an unfair competition, then legislation should be submitted.

I was approached and asked because the original bill to implement this committee was my particular bill. I was asked to present a bill to actually address the unfair competition and address the law change that would only take out the provision that the agency would not be able to place a vendor service in a facility if it was not going to be managed by a visually handicapped person. The committee found that the competition did exist and was unfair, because the intent of the law is to provide blind persons with remunerative employment and enlarge the economic opportunities of blind persons to become self-supporting.

The contracting of vender services by the MDBVI, where no blind person is involved, is merely a revenue generating system. It appears that the revenues subsidize other food service operations and some of the MDBVI staff. The process used interrupts the normal business activities of competitors, such as public service vendors. We can argue that these vendors have an opportunity to bid for the service, but the bidding contract administration process alter the usual balance of value and services offered by the private enterprises offering vending services. The committee recommended that we merely change paragraph two of five and that we reevaluate and exclude the fact

that they would be able to provide vendor services where there was no visually handicapped person that was going to be there.

The small amount of money, \$75,000, is used to subsidize the lack of funding that they have in their budget. It does not help the visually handicapped. We were not out to do anything to harm the visually handicapped. When we, as legislators, put into effect a law authorizing a commission to do their work, and to actually address unfair competition, as in this particular situation. They worked for over a year to make that happen and came in with substantial evidence, after all that work was done, to show that there needs to be a little tweaking in the law and that we need to have our private sectors be able to compete fairly. I would ask that you please listen and adhere to what that recommendation is. Please support voting against the majority Ought Not to Pass report so we can go on and vote for the minority Ought to Pass. Support not only the commission that we have in place, but also our small businesses that are struggling. They do not need to be competing with state agencies unfairly.

This commission takes away the work that has to be done, that we don't have time for in committees, by investigating, in more depth, what some of these inequities should be. There have been other situations that have come to this commission for unfair competition, which have been proven. We passed a law in another committee that addressed that and adjusted the law. So I would ask you to please go along with this and support my suggestion that you vote against the majority Ought Not to Pass report. Thank you.

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

Senator **BLAIS:** Thank you, Madame President, and members of the Senate. I'd like to echo the comments of the fine Senator behind me, and also point out that part of what the current law does is extend the authority of the Division of the Blind and Visually Impaired into, not just state offices, but also into county and municipal offices, essentially allowing the Division of the Blind and Visually Impaired to cherry-pick the best vending operations in the state for the use of the Division of the Blind and Visually Impaired. Those vending operations might go to better use within the county or municipal government to fund some other local charitable cause.

I would also like to echo the remarks having to do with how our small business climate, in this state, is among the worst in the nation. This law, as it exists right now, continues to drive down the friendliness to small business in our state. I would hope that you would vote against the majority Ought Not to Pass on this measure.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. While I don't disagree with some of the remarks from the good Senator from Penobscot, Senator Mitchell, I must say that, for me, this is so black and white. This is a small amount of money to benefit the blind and visually impaired of our state. Period. The end.

If you feel like that is unfair to all the small businesses that might be out there, you are welcome to your opinion. I must say that this is a small number of people. They have a small budget in the Department of Labor. In this bureau, this particular piece of

money is used, I believe and I could be wrong, to help fund three positions to assist the blind and visually impaired. I, frankly, cannot understand why one would not want to support those people. I do understand the arguments regarding unfair competition. I don't happen to feel that is enough of an argument to sway me from my position.

Senator **EDMONDS** of Cumberland requested a Roll Call.

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

Senator **BLAIS:** I would just like to point out that we heard testimony that in the program, in the snack bar services, there is enough money to fund the program and provide the services that are necessary. We heard testimony from the administration that this additional money, that comes from these vending services, would be used to extend benefits and other programs for the division. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President. To just build on what the good Senator from Kennebec, Senator Blais, has said. If any of you had questions, there is a report on the activities of the committee available. It was put out January 15, 2003. It is true, that within that report and their investigation, it shows there is funding there for the staff members and it does not take away the benefits of the visually handicapped or the blind.

On motion by Senator **EDMONDS** of Cumberland, 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 (#49)

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

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

ABSENT: Senators: HALL, SHOREY, YOUNGBLOOD

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **EDMONDS** of Cumberland **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/5/03) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Push Polling"

S.P. 44 L.D. 121

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-96)** (5 members)

Tabled - May 5, 2003, by Senator **GAGNON** of Kennebec

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

(In Senate, May 5, 2003, Reports **READ**.)

At the request of Senator **WOODCOCK** of Franklin a Division was had. 17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec 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 (5/5/03) Assigned matter:

An Act to Require Flashing Lights for Private Snow Plows
H.P. 156 L.D. 197
(C "A" H-25)

Tabled - May 5, 2003, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-25)**, in **NON-CONCURRENCE**.)

(In House, May 1, 2003, **PASSED TO BE ENACTED**.)

Senator **NASS** of York moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. My argument today is simple. I don't think the State of Maine ought to be telling people when, how, or with what equipment they ought to be plowing their own driveways. It is as simple as that.

May I pose a question through the chair?

THE PRESIDENT: The Senator may pose his question.

Senator **NASS:** Thank you, Madame President. It is my understanding that the good Senator from Piscataquis, Senator Davis, has a tractor, a lawn tractor, and in the winter, with the heavy snows in Piscataquis County, he mounts a snowplow on that. This tractor has headlights and taillights. My question is, would he be legal, if this law were to pass, if he wore a plastic helmet with a blinking light on the top? I think it is sometimes referred to as a Captain Marvel helmet. Would he, in fact, be able to meet the requirements of this law?

THE PRESIDENT: The Senator from York, Senator Nass poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Hatch.

Senator **HATCH:** Thank you, Madame President. I can't really follow that act, and I'm not even going to try. This is just a safety issue. That's all. There is an amendment on it. You are not required to have a light if you are plowing your own driveway. These lights cost about \$20 and they plug into your cigarette lighter. They are not something permanent. Doesn't have to be there. As far as the tractor, he probably doesn't have a cigarette lighter on that, so I really don't know about the tractor. It says trucks. Maybe we could tag another amendment on for his hat and his light if you would like.

Senator **HATCH** of Somerset requested a Roll Call.

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

Senator **DAVIS:** Thank you, Madame President. I believe the legislation says vehicle. I think under the definition in Title 29, a vehicle would include a motorized vehicle, which my little lawn tractor is. However, it has a snowblower on it and not a plow. I don't know, maybe that would exempt it.

However, what is more troubling to me, Madame President, is that the road I live on, where I have lived for the last 20 years, is a dead end road. At the end of that road is an elderly lady by the name of Mary Hartline. If any of you knew her, you would think that she was a wonderful person. I've plowed her driveway all those years with my old Ford truck, and before that with my old Dodge truck. I've done it without a light on top of it. I don't see any reason, in this world, why I should have to put a light on top of that truck to go down and plow Mary's dooryard. That is my point.

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

Senator **MARTIN:** Thank you very much, Madame President. I know members of the Senate won't believe this, but I had no intention of getting involved in this debate. I fully understand how the good Senator from Piscataquis, Senator Davis, feels. He lives at the end of a road, has no need to have any lights, headlights, or otherwise.

The trouble that we have fairly high snow banks, at least in most of the places where you have snow. Obviously York County doesn't have quite the same problem we do in Piscataquis, Aroostook, and places north. Very often people have no alternative but to violate state law and cross the highway to

dispose of the snow from their driveway because the driveway is going up hill. These people, unfortunate or fortunate, end up with no lights. There is nothing to distinguish that they are even there during the day. Low and behold, you come across them. At least with some blinking light, you would heed some knowledge that they are there. I think it's a safety issue.

The other side of that coin is if the Maine State Police and the Deputy Sheriffs of the state were to throw everyone in jail that violated the law about crossing the road when they are plowing snow, which is in violation of state law, we probably wouldn't need this. That is really what it is all about. Everyone I've seen move snow with a vehicle tends to want to back into the road or drive across the road. That is the issue. It certainly is not the end of the world. However, this might just save a few lives.

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

Senator **DAVIS:** Thank you, Madame President. I just received a note from my good friend, the good Senator from Kennebec, Senator Gagnon, which says, 'Paul, were your old trucks registered?' I'd like to tell him, yes, they were. They were also inspected. I keep good rubber on them and take good care of them.

To correct, if I might, my good friend, the Senator from Aroostook, Senator Martin, I do not live at the end of the road, Mary Hartline lives at the end of the road. I live at the top of the hill, closest to the main road. I have to go down the hill.

My truck does have lights. I would have to have lights to go down and plow her driveway. I could not do it without them. It's almost one half a mile down there and I need to see.

I think the law says something to the effect of leaving snow in the roadway, not plowing across the roadway. Thank you very much.

Off Record Remarks

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I know that in the months of January and February, in each of our districts, we have people plowing snow. Be it the far reaches of Aroostook County, where the snow has been considerable for this last season, or down through Piscataquis and down into my county of Franklin, where we had significant snow fall. This bill also encompasses the people in the southern part of the state who have undergone, at times, significantly less snow. That band of people, who ride through the central part of the southern part of Maine, may be plowing through two inches of snow in order to negotiate roadways on their automobiles that have not been equipped with snow tires. During the season, all-season radials are used by many people in the southern part of the state that doesn't have the amount of snow fall that we have in the north.

My supposition today is, that since we're again instigating common sense through legislation, will every vehicle that arrives at the end of every roadway and every driveway in the state while

plowing snow now be required, should this pass, to put a 50 candle light power light on that vehicle? Thankfully, and I say thankfully, this bill was amended to 50 candle light power, because originally it was slated to be a million candle light power light. I would caution you, who live in Aroostook County like the good Senator Martin, that a million candle light power light is about the size of the telescope on the Portland Headlight. You could see it in Aroostook County if it was on a truck in Portland.

The time has come for all of us to simply understand, please, that this bill will involve every vehicle. It says vehicle, as my good friend the Senator from Piscataquis, Senator Davis, has mentioned. It says a vehicle that enters a roadway from a private way. Does that mean the people in this body today have vehicles that do not have lights? I know they do. You will have to have a light to plow two inches of snow or two feet of snow, be it Portland, Kittery, Machias, Aroostook County, or Franklin County. It is not a necessary bill.

I pose the question to all of us, really, through the chair, if I might do that?

THE PRESIDENT: The Senator may pose his question.

Senator **WOODCOCK:** How many of you have a vehicle, at the current time, which will be in need of a 50 candle power light should this pass?

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. As I listen to this debate, I recall hearing this bill before our committee on transportation. I shared then some of the same concerns that have been raised here today, especially with regards to having a vehicle that I wanted to use on my land, without entering any public roadway. It is my belief that the bill before us today expresses the concerns that I expressed then. Does this preclude me from having one of these lights on my vehicle if I operate it on my private land? Initially it didn't exclude that. So I believe it comes to us today with that kind of exclusion. If that vehicle stays on one's private land, in the course of plowing snow, it does not need a light.

However, I also recognize that the activity of plowing snow takes a significant amount of concentration on the activity involved, and thus, sometimes diverts one's concentration from the roadway or from passing traffic. It was my belief then, and it remains so now, that if that vehicle enters the public way, it seems reasonable to me that there ought to be an alert to those people who are on the public way that there is a vehicle coming that is engaged in an activity which may be hazardous. It may be hazardous because it has diverted the operator's attention from the other vehicles that are on that public way.

It is for that purpose that we need this flashing light. Thankfully, it doesn't have to be as it was originally designed to be, something akin to the Portland Headlight, but it can be a light that signals a warning to those people who are on the public way that there is an activity taking place and they ought to be aware because that operator isn't aware. So it does alleviate my concerns of intrusion into my private affairs, plowing snow on my private land, but also addresses my concerns for the public safety. I urge your support.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. For the benefit of the good Senator from Franklin, Senator Woodcock, and others here, I will tell you that the one million candle power means nothing to me, but it was, in fact, the law on the books. It isn't something that was a part of this bill that came before us. We've been living with that law, if you will, for I don't know how many years. I'll also say, all of the discussion that we've had here this morning and this afternoon, we've had it all in committee. I guess that it probably took us as long in committee to get the discussion out as it has here this morning. The original bill that came to us, all it did was scratch the word 'may' and replaced it with 'shall'. That was the original bill. We've come up with this from that small start. Thank you, Madame President.

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

Senator **MITCHELL:** Thank you, Madame President. My concern, on the serious note, is that we have, in the small rural communities, many people who have pick-ups with plows on them. They do their own plowing. They also do plowing for a lot of our senior citizens who are unable to have their driveways plowed. They don't have the equipment or snowblowers. They plow these driveways for them and do it as a public gesture. In working with the rural areas that I have, and I know many of you have, I've seen this happen. I have received calls, and I'm sure some of you have, saying, 'I'm not going to go through an expense to do a favor and help people out. Why is the state trying to enact a law that is going to prohibit some of us from actually doing work to help other people by plowing their driveways for them?' They don't want the inconvenience of having to comply with another law. That is the reason that I will be voting on the indefinite postponement. It is in response to constituents who are trying to plow driveways, with a pick-up and a plow on the front of it, for people who can't afford to have their driveways plowed.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. It is always exciting to be involved in an event that may alter and illuminate our times. I do wish to pose a question through the chair. I assume that the committee that heard this bill had some facts presented which would indicate that the absence of light was, in fact, causing accidents, injury, or property damage. I am wondering if that information, if it was presented, can be shared with the full chamber? Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Turner poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. I have no idea the answer to that question. I wasn't there and I can't respond to that. I do want to follow up with the comments of the good Senator from Penobscot, Senator

Mitchell. My suggestion would be to tell her constituents that they are presently violating existing state law.

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

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

Senator **MITCHELL:** Thank you, Madame President. In response to the good Senator from Aroostook, Senator Martin, I don't believe they were breaking the law, as the law changed 'may' to 'shall'.

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

Senator **BENNETT:** Thank you, Madame President. Request permission to pose a question through the chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you. I understand the language in the bill makes a distinguishing line between private ways and public ways. Could I understand exactly where that line is, given rights of way and the definition of roadways as they exist? What is contemplated by this law? Where is the line between private way and public way? Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Bennett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Somerset, Senator Hatch.

Senator **HATCH:** Thank you, Madame President. Private way would be any land that you own or have an interest in that does not belong to the town, the city, or the state. That would be the difference. Public way is anything that is owned by the whole community, whether it is the town or the state.

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

Senator **BENNETT:** Thank you, Madame President. Forgive me for my lack of clarity, but the question I am really asking is, all of us, at the end of our driveway, have a transition period where it goes into the public way. The question I have is, at what point are we susceptible to this law if we are plowing the driveway without this light? Often the line for the public way actually extends onto what we often consider our property. The question I have is more along the line of where is that line as contemplated by this particular bill? Thank you, Madame President.

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

Senator **DAMON:** Thank you, Madame President. With regards to the question posed to you by the Senator from Oxford, Senator Bennett, it is a similar question that we were asking in our committee. Quite frankly, if one were to plow their driveway down to the point of the public right of way, if you can envision this,

there would be a pile of snow left at the end of your driveway. All of your efforts, less that pile of snow, would be for not. Although you would be able to move around in your driveway, you couldn't get onto the public way. So it would be at that point where that snow either was moved back into your yard or moved across the public way, presuming that none of it is going to be left on the public way, is where the effectiveness of this light would be most noted. It is on that public way that there would be the passing traffic. I was thinking along those same lines, as I plow my driveway. I have to either plow it across the road or go out into the road and plow it up into my yard. If I was to go and plow my back field, that I sometimes do, I certainly wouldn't want to have, and wouldn't be expected to have, a light to plow that back field. I would never enter into a public way. When I do plow the front driveway, where my other vehicles come in, that is the portion of the area that this bill is supposed to effect with the flashing light. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Nass to Indefinitely Postpone this Bill and all its accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#50)

YEAS: Senators: BENNETT, BLAIS, CARPENTER, CATHCART, DAVIS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, TURNER, WESTON, WOODCOCK

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

ABSENT: Senators: HALL, SHOREY, YOUNGBLOOD

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **NASS** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/6/03) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Penalties for Writing Bad Checks"

H.P. 321 L.D. 413

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

Minority - **Ought to Pass** (3 members)

Tabled - May 6, 2003, by Senator **STRIMLING** of Cumberland

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

(In House, May 5, 2003, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 6, 2003, Reports **READ**.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/6/03) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Limit the Undesignated Surplus of Counties to 15% of the Annual Operating Budget"

H.P. 326 L.D. 418

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

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

Tabled - May 6, 2003, by Senator **DAVIS** of Piscataquis

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

(In House, May 5, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 6, 2003, Reports **READ**.)

At the request of Senator **STRIMLING** of Cumberland a Division was had. 25 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/6/03) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County

H.P. 425 L.D. 562

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-225)** (6 members)

Tabled - May 6, 2003, by Senator **ROTUNDO** of Androscoggin

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

(In House, May 5, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 6, 2003, Reports **READ**.)

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

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

HOUSE REPORT - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Volunteer Social Work To Count towards Licensure" H.P. 849 L.D. 1146

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-182)**

Tabled - April 30, 2003, by Senator **BROMLEY** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.)

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

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-182) **READ**.

On motion by Senator **BRENNAN** of Cumberland, Senate Amendment "A" (S-109) to Committee Amendment "A" (H-182) **READ** and **ADOPTED**.

Committee Amendment "A" (H-182) as Amended by Senate Amendment "A" (S-109) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182) AS AMENDED BY SENATE AMENDMENT "A" (S-109)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Membership of the Propane and Natural Gas Board"

S.P. 49 L.D. 126

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-20)** (5 members)

Tabled - April 30, 2003, by Senator **BROMLEY** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 2, 2003, on motion by Senator **BROMLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, April 29, 2003, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20) AS AMENDED BY HOUSE AMENDMENT "B" (H-120)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BROMLEY** of Cumberland, the Senate **RECEDED** from whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report

Same Senator requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Same Senator moved to **SUBSTITUTE THE BILL FOR THE REPORT**.

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending the motion by Senator **BROMLEY** of Cumberland to **SUBSTITUTE THE BILL FOR THE REPORT**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Implement Regulatory Reforms and To Address Staffing Issues in Long-term Care Facilities" H.P. 1181 L.D. 1607

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Charter of the Baileyville Utilities District" (EMERGENCY)

H.P. 1182 L.D. 1608

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Passing Bad Checks"

H.P. 812 L.D. 1109

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
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-213)**.

Signed:

Representatives:

SNOWE-MELLO of Poland
SYKES of Harrison

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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot"

H.P. 636 L.D. 859

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

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
LANDRY of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-228)**.

Signed:

Senators:

LEMONT of York
MAYO of Sagadahoc

Representatives:

GLYNN of South Portland
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on
Bill "An Act To Abolish the State Planning Office"
H.P. 785 L.D. 1067

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

Signed:

Senators:

MARTIN of Aroostook
EDMONDS of Cumberland

Representatives:

KOFFMAN of Bar Harbor
TWOMEY of Biddeford
HUTTON of Bowdoinham
MAKAS of Lewiston
SAVIELLO of Wilton
THOMPSON of China
DAIGLE of Arundel
TOBIN of Windham
ANNIS of Dover-Foxcroft

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by**
Committee Amendment "A" (H-261).

Signed:

Senator:

SAWYER of Penobscot

Representative:

JOY of Crystal

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE,**
CONSERVATION AND FORESTRY on Resolve, To Improve
Fisheries Management in Hancock County

H.P. 601 L.D. 824

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (H-258).

Signed:

Senators:

BRYANT of Oxford
KNEELAND of Aroostook

Representatives:

PIOTTI of Unity
CARR of Lincoln
HONEY of Boothbay
CHURCHILL of Orland
FLETCHER of Winslow

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

Signed:

Representatives:

McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
SMITH of Monmouth
EDER of Portland

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

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the
Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-**
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 **NON-CONCURRENCE**.

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

ENACTORS

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

Act

An Act To Increase the Collection of Child Support
H.P. 459 L.D. 629
(C "A" H-194)

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

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

ENACTORS

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

Emergency Resolve

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State

H.P. 364 L.D. 472
(C "A" H-145)

Comes from the House, **FAILED FINAL PASSAGE**.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/5/03) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ban Smoking in Beano and Bingo Halls"

H.P. 186 L.D. 227

Majority - **Ought to Pass** (10 members)

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

Tabled - May 5, 2003, by Senator **BRENNAN** of Cumberland

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

(In House, May 1, 2003, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 5, 2003, Reports **READ**.)

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

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "A" (S-112) **READ**.

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

Senator **CATHCART**: Thank you, Madame President. This is a very simple amendment. I ask you to support it. It simply exempts federally recognized Indian tribes bingo activities from this law. This would apply to the Indian Island High Stakes Bingo, which has been very successful. They have asked me to present this amendment for them because they feel that it is not necessary to ban smoking in their building. They have purchased over \$1 million worth of air purifying equipment. They have a section that is designated for non-smokers to further protect them. It just seems that they have a good reason for being exempt. I ask you to support this. Thank you.

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

Senator **BRENNAN**: Thank you, Madame President, men and women of the Senate. I'd ask you to reject this amendment. The Health and Human Services Committee did consider this issue in our deliberations on this bill. We decided that this type of exemption for these particular bingo and beano halls for high stakes bingo run by Native Americans was not warranted at this time. So I ask you to reject this amendment.

On motion by Senator **BRENNAN** of Cumberland, 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 (#51)

YEAS: Senators: BRYANT, CATHCART, DAMON, DOUGLASS, GAGNON, HATCH, MITCHELL, NASS, PENDLETON, SAWYER, STANLEY, WESTON, YOUNGBLOOD

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, CARPENTER, DAVIS, EDMONDS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, ROTUNDO, SAVAGE, STRIMLING, TREAT, TURNER, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: HALL, SHOREY

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **ADOPT** Senate Amendment "A" (S-112), **FAILED**.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed.

Senator **CATHCART** of Penobscot requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President. I have supported all the laws that we have passed about smoking in public places, but I have drawn the line here. There are small community organizations in our towns that have beano on Friday or Saturday night. I draw the line at telling them, in this small group without employees, that they now have to be non-smoking. Some of them have done this voluntarily. I have to tell you that they probably have more members come. I still want to give them the right to choose. Thank you very much.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I, too, have been here before, and when we passed some of the smoking regulations, I voted for them. We drew the line to certain areas. The beano halls in most towns have the option. There are smoking facilities and there are non-smoking facilities. I think the options are available to everybody. I don't think that we need to mandate this law within the beano halls. So I would encourage you to vote against the pending motion.

Senator **BRYANT** of Oxford requested a Roll Call.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I hope you will support the pending motion. This is a very straightforward bill. It eliminates smoking in beano and bingo halls. The question is, why are we here, even having this discussion about this, when, in fact, we've already had a number of bills that have had to do with restricting smoking in public places? Well, let me tell you. In 1993 or 1994, the legislature addressed issues of smoking in public places. At that time the Health and Human Services Committee discussed this issue. One person on the committee said, 'I think we should exempt beano and bingo halls.' Everybody else on the committee said, 'well, I guess that is okay. We should do it.' Was there any rationale behind that? No. Was there any discussion about the impact of second hand smoke on people attending bingo and beano halls? No. It was simply one member of the committee that said, 'I think we should exempt beano and bingo halls.' So all this bill does is go back and take care of that exemption, that was really unwarranted when it was passed in 1993 or 1994, because we now recognize the effect and the impact of second hand

smoke in public facilities. I don't believe that anybody, when they go to engage in a public, open event, should be subjected to second hand smoke. Thank you.

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

Senator **CATHCART:** Thank you, Madame President, women and men of the Senate. I rise just to say that I had an important phone call at home on Sunday from a representative of one of the veterans' groups in my district. A group of those veterans from the Howland, Enfield, and Lincoln area had met on the weekend and unanimously decided to request that I speak against this legislation and vote against it. They really fear that, if this passes, it will so damage their attendance at their beano games that they won't be able to raise the money that they now use for scholarships, to send their students to the Girls and Boys State, and do other charitable activities. So out of respect for them, I am going to vote against the legislation. Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I have a slightly different twist on this issue. In my community, without cutbacks in education, we have begun to fund our music programs and our athletic programs more and more through proceeds from the booster clubs working at the beano halls. Actually, in my own family, we have a volunteer, who is actually in back of the chamber today, who does this work. We're having difficulty getting volunteers to do this because of the smoking. For a reason other than those you've already heard, I would respectfully ask you to support the Senator's position. Thank you.

On motion by Senator **BRYANT** of Oxford, 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 (#52)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, CARPENTER, DAMON, DOUGLASS, EDMONDS, GAGNON, LAFOUNTAIN, MARTIN, MAYO, PENDLETON, ROTUNDO, STRIMLING, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, BRYANT, CATHCART, DAVIS, GILMAN, HATCH, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE, SAWYER, STANLEY, WESTON

ABSENT: Senators: HALL, SHOREY

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, May 8, 2003, at 10:00 in the morning.