

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Volume 1

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

Pages 1 - 714

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

In Senate Chamber
Monday
May 12, 2003

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

Prayer by Senator Pamela Henderson Hatch of Somerset County.

SENATOR HATCH: Good morning. It's been a good morning already. Looking over yesterday, and thinking of the small things that happened in your life over Mother's Day, gives me much pause. Usually I'm in a hurry, but yesterday my granddaughter, who I love very much, and is 8 years old and knows everything, drew me into a conversation about hurrying. She wanted to stop and look at some lobsters before we boiled them for our supper. So we dragged out a newspaper, sat down and played with them for a while. We named each one, which didn't add to the dinnertime because, as they came out of the pot, we recognized them. So in an effort to stop my hurrying and to look at the little things, I looked in the President's office this morning and saw a plaque that says 'Lord, grant me patience, but hurry.' It made me think of yesterday. Please join me in prayer.

Dear Heavenly Father, I would ask Your blessing on each and every one in this chamber, and on those in our communities that need Your hand on their lives. Help us to not hurry. Help us to look at each other and enjoy the little things. I ask Your blessing on our leadership in Washington and especially on our Governor in this state. Please place Your hand on him and keep him in Your stead. I ask, Lord, for blessings for each person. I ask, Lord, that You do, indeed, give us each patience. In Jesus' name we pray. Amen.

Pledge of Allegiance led by Senator Margaret Rotundo of
Androscoggin County.

Reading of the Journal of Friday, May 9, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1185

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND
CONGRESS OF THE UNITED STATES TO SUPPORT THE
REFORM OF THE SOCIAL SECURITY OFFSETS OF THE
GOVERNMENT PENSION OFFSET AND THE
WINDFALL ELIMINATION PROVISION**

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 President of the United States and the United States Congress, as follows:

WHEREAS, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

WHEREAS, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

WHEREAS, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of lower- and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

WHEREAS, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

WHEREAS, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

WHEREAS, in some cases, additional support in the form of income, housing, heating, prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

WHEREAS, other participants in Social Security do not have their benefits reduced in this manner; and

WHEREAS, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

WHEREAS, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; and

WHEREAS, bills are present in Congress in both the House of Representatives and the Senate, known as "The Social Security Fairness Acts," that would amend the Social Security Act, 42 United States Code, Chapter 7, Subchapter II and totally repeal both the Government Pension Offset and the Windfall Elimination Provision; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress work together to support reform proposals that include the following protections for low- and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;
2. Protections permanently ensuring that level of benefits by indexing it to inflation; and
3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and 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. 564

STATE OF MAINE
121ST MAINE LEGISLATURE

May 9, 2003

Sen. John L. Martin
Senate Chair, Joint Standing Committee on
Natural Resources
Rep. Theodore Koffman
House Chair, Joint Standing Committee on
Natural Resources
121st Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated Matthew Scott of Belgrade and Andrew Cadot of Freeport for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 565

STATE OF MAINE
121ST MAINE LEGISLATURE

May 9, 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 James Carignan of Harpswell for appointment to the State Board of Education.

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

Governor Baldacci has also nominated Charles D. Fisher of Brewer for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, M.R.S.A. §12705, 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: S.P. 566

**STATE OF MAINE
121ST MAINE LEGISLATURE**

May 9, 2003

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on
Marine Resources
Rep. Thomas D. Bull
House Chair, Joint Standing Committee on
Marine Resources
121st Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Bull:

Please be advised that Governor John E. Baldacci has nominated Rod Browne Mitchell of Peaks Island, William Sutter of Wiscasset, Alton West of Milbridge, and Dana Earle Temple of Cape Elizabeth for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. §6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and REFERRED to the Committee on MARINE RESOURCES.

Sent down for concurrence.

The Following Communication: S.C. 226

**121ST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 8, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1521 An Act Concerning Liability Insurance Covering
Debt Cancellation Contracts

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

Sincerely,

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

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 227

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

May 8, 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 bill out "Ought Not to Pass":

L.D. 75 An Act to Amend the Motor Vehicle Franchise
Laws

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

Sincerely,

S/Sen. Lynn Bromley S/Rep. Nancy B. Sullivan
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 228

**121ST LEGISLATURE
COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 8, 2003

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

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1405 An Act To Adjust Fees Charged for Licenses
 Issued by the Bureau of State Police Licensing
 Division

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

Sincerely,

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

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

The Following Communication: S.C. 229

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

May 8, 2003

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

Dear President Daggett and Speaker Colwell:

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

L.D. 1198 An Act Regarding the Criminal History Record
 Check of School Employees

L.D. 1484 An Act To Amend the School Construction
 Program

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

Sincerely,

S/Sen. Neria R. Douglass
Senate Chair

S/Rep. Glenn Cummings
House Chair

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

The Following Communication: S.C. 230

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

May 8, 2003

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

Dear President Daggett and Speaker Colwell:

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

L.D. 1138 An Act To Enhance the Economic Security of
 Maine's Families and Children

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

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. William S. Norbert
Senate Chair House Chair

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

The Following Communication: S.C. 231

**121ST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 8, 2003

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

Dear President Daggett and Speaker Colwell:

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

- L.D. 568 Resolve, To Study the Impact of a Statewide System for the Electronic Filing of Deeds
- L.D. 700 Resolve, To Create the Task Force To Study County Government Efficiency
- L.D. 1118 An Act To Study the Consolidation and Regionalization of Programs at All Levels of Government

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Janet L. McLaughlin
House Chair

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

The Following Communication: S.C. 232

**121ST LEGISLATURE
JOINT STANDING COMMITTEE ON TAXATION**

May 8, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1044 An Act Regarding Taxation inside the Passamaquoddy Indian Territory

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

Sincerely,

S/Sen. Stephen Stanley
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds"

H.P. 607 L.D. 830

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**.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Sale and Protection of Ferrets"

H.P. 685 L.D. 928

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-296)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-296)**.

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

READ ONCE.

Committee Amendment "A" (H-296) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Provisions of the Submerged Lands Law"

H.P. 1123 L.D. 1531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275)**.

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

READ ONCE.

Committee Amendment "A" (H-275) **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 Provide Mandatory Minimum Penalties for Vandalizing a Street Sign or Traffic Control Sign"
H.P. 904 L.D. 1230

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-278).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-278).**

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

READ ONCE.

Committee Amendment "A" (H-278) **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 Improve Access to the Victims' Compensation Fund"
H.P. 1103 L.D. 1510

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277).**

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

READ ONCE.

Committee Amendment "A" (H-277) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council" (EMERGENCY)
H.P. 557 L.D. 751

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-295).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295).**

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

READ ONCE.

Committee Amendment "A" (H-295) **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 Resolve, To Enhance Services to Children and Families (EMERGENCY)

H.P. 421 L.D. 558

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-293).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293).**

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

READ ONCE.

Committee Amendment "A" (H-293) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Hold Supervisors Personally Liable for Discrimination in the Workplace"

H.P. 408 L.D. 523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-285).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285).**

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

READ ONCE.

Committee Amendment "A" (H-285) **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 **MARINE RESOURCES** on Bill "An Act To Make Changes to the Laws Governing Aquaculture Leasing"
H.P. 1040 L.D. 1417

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-282)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282)**.

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

Committee Amendment "A" (H-282) **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 Require the Installation of Dental Amalgam Separator Systems in Dental Offices"
H.P. 514 L.D. 697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-274)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)**.

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

READ ONCE.

Committee Amendment "A" (H-274) **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 Require Major Substantive Rules To Govern the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs for Consistency"
H.P. 762 L.D. 1045

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-284)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284)**.

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

READ ONCE.

Committee Amendment "A" (H-284) **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 Regarding Water Storage Reservoirs"
H.P. 777 L.D. 1059

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-283)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**.

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

READ ONCE.

Committee Amendment "A" (H-283) **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 Bill "An Act To Ensure Communication about Public Complaints against State Employees"
H.P. 764 L.D. 1047

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

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

READ ONCE.

Committee Amendment "A" (H-279) **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 Bill "An Act To Clarify the Division of the Positions of Town Assessor and Selectman"

H.P. 900 L.D. 1226

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-280)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)**.

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

READ ONCE.

Committee Amendment "A" (H-280) **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 Expand the Education Tax Credit"

H.P. 387 L.D. 502

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-286)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)**.

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

READ ONCE.

Committee Amendment "A" (H-286) **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 **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 306: Information Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1091 L.D. 1494

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-294)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294)**.

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

READ ONCE.

Committee Amendment "A" (H-294) **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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restrict Excessive Rental Fees for Self-service Storage Facilities"
H.P. 905 L.D. 1231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-292)**.

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
O'BRIEN of Lewiston
DUPREY of Medway
SMITH of Monmouth
BERUBE of Lisbon
ROGERS of Brewer

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

Signed:

Representatives:

AUSTIN of Gray
JACOBSEN of Waterboro
RECTOR of Thomaston

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-292)**.

Reports **READ**.

Senator **BROMLEY** of Cumberland 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 **LEGAL AND VETERANS AFFAIRS** on An Act To Allow Slot Machines at Commercial Horse Racing Tracks

I.B. 2 L.D. 1371

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

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
GLYNN of South Portland
HOTHAM of Dixfield
BROWN of South Berwick
MOORE of Standish
PATRICK of Rumford
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**.

Signed:

Representative:

BLANCHETTE of Bangor

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.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Certain Real Estate Lands of the Long Creek Youth Development Center in South Portland

H.P. 378 L.D. 489

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York
GILMAN of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-289)**.

Signed:

Representative:

PEAVEY-HASKELL of Greenbush

(Rep. SUSLOVIC of Portland -- Abstained)

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Prohibit the Use of a Handheld Cellular Telephone While Driving"

H.P. 151 L.D. 192

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

Signed:

Senators:

HATCH of Somerset
DAMON of Hancock
SAVAGE of Knox

Representatives:

JODREY of Bethel
MARLEY of Portland
McNEIL of Rockland
COLLINS of Wells
BROWNE of Vassalboro
McKENNEY of Cumberland
USHER of Westbrook
MARRACHÉ of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-288)**.

Signed:

Representatives:

PARADIS of Frenchville
SAMPSON of Auburn

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prevent Distracted Driving"

H.P. 613 L.D. 836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-287)**.

Signed:

Sensors:

HATCH of Somerset
SAVAGE of Knox
DAMON of Hancock

Representatives:

SAMPSON of Auburn
JODREY of Bethel
MARLEY of Portland
McNEIL of Rockland
COLLINS of Wells
USHER of Westbrook
MARRACHÉ of Waterville
BROWNE of Vassalboro
McKENNEY of Cumberland

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

Signed:

Representative:

PARADIS of Frenchville

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

Reports **READ**.

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

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

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. This particular bill is in regards to distracted driving. We amended it to mean operating a motor vehicle while engaged in activities not directly related to and in a manner that interferes with the operation of the motor vehicle. Such an activity includes, but is not limited to, the use of a cellular telephone, eating, or grooming. A person who engages in distracted driving commits a traffic infraction, under enforcement of Subsection 3A, may be enforced only if a law enforcement officer has detained the operator of the motor vehicle for suspected violation of another law. That might be swerving in the road, creating some kind of distraction for other drivers, driving by with a cell phone to your ear while listening to loud music, or whatever.

Same Senator requested a Roll Call.

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 this is a very sensitive issue for many here in this deliberative body. I'm quite supportive of not being distracted by using a cell phone. I think it is more and more a scourge on our highways. However, I am reasonably concerned about the provision for eating. I think that some of us might be more distracted if we weren't eating. I just want to call that to your attention. I think some of this is very valuable, but I know that everybody in this room take a bit of a bite every now and then while you are driving. Please consider that. I would be urging you to oppose the motion.

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

Senator **DAVIS:** Thank you, Madame President. I think the things that the good Senator from Somerset, Senator Hatch, listed are noteworthy and probably could be supported. What troubles me is that it's not limited to that. If a lady was driving down the road, or a father or a mother, who was distracted by a child in the back seat and had an accident, the police officer could give them a summons to court for that. The Maine accident forms, which a police officer fills out, up until 1995, all had a provision on them for driver inattention. The officer could simply check it. He could note in the summary at the bottom that the person was distracted. I don't see anything wrong with that. I think that probably the legislature, in years passed, has tried to

address this. The reason it hasn't been successful is for the reasons that I stated. It's not limited to certain activities. Anything could be a distraction. If someone drives down the road and a bird hits the window, they are distracted. I think that it has worked fine for many, many years and I don't see any reason to change it. Thank you very much, Madame President.

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

Senator **SHOREY:** Thank you, Madame President. I'd like to pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **SHOREY:** Thank you. Madame President, would this include hands-free telephones? Would this include smoking? Would this include applying make-up? I'd like to know the answer. Thank you.

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

Senator **HATCH:** Thank you, Madame President. To answer the questions that were posed, the make-up would be part of grooming; probably smoking; and telephones that are not hand held, no. You could definitely use that, just like you could listen to the radio.

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

Senator **SHOREY:** Thank you, Madame President. Please give your indulgence here. I'd like to pose another question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **SHOREY:** Thank you, Madame President. Does this mean that if you are smoking in the car that they could pull you over and give you a ticket for smoking in the car?

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

Senator **HATCH:** Thank you, Madame President. Obviously, if you weren't swerving in the road or committing any other traffic infractions, they probably wouldn't pull you over in the first place for anything you were doing.

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

On motion by Senator **TURNER** of Cumberland, **TABLED** until Later in Today's Session, pending motion by Senator **HATCH** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate

Ought to Pass

Senator MAYO for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Permit Special Purpose Reinsurance Vehicles"

S.P. 522 L.D. 1553

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 BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Status of Regulated Water Utility Plumbing Permits"
S.P. 348 L.D. 1004

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

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

READ ONCE.

Committee Amendment "A" (S-128) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator STRIMLING for the Committee on **TAXATION** on Bill "An Act To Change the Tax Laws as They Apply to Combat Troops"
S.P. 511 L.D. 1523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127)**.

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

READ ONCE.

Committee Amendment "A" (S-127) **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 Manage the Sea Urchin Fishery

S.P. 483 L.D. 1451
(C "A" S-99)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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 Ensure That Title Applications are Timely Delivered

H.P. 233 L.D. 290
(C "A" H-242)

An Act To Amend the Lien Procedures for Time-share Estates

H.P. 248 L.D. 305
(C "A" H-233)

An Act To Amend the County Contingent Fund

H.P. 324 L.D. 416
(C "A" H-237)

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
(C "A" H-253)

An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety

S.P. 145 L.D. 427
(S "A" S-95 to C "A" S-29)

An Act To Change the Process of Enforcement of a Municipality's Obligations to a School Administrative District

H.P. 435 L.D. 572
(C "A" H-251)

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

S.P. 223 L.D. 614
(H "B" H-246 to C "A" S-82)

An Act To Allow a Retiree Eligible for State-paid Health Insurance Coverage To Decline Coverage and Reenroll at a Later Date

S.P. 408 L.D. 1277
(C "A" S-102)

An Act To Separate the Office of Tourism from the Office of Community Development

H.P. 1033 L.D. 1406

An Act To Amend the Laws Pertaining to the Department of Corrections

H.P. 1094 L.D. 1497
(C "A" H-248)

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 Enhance Professionalism of Private Investigators in this State

H.P. 735 L.D. 1014
(C "A" H-249)

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

Resolves

Resolve, Directing the Maine Health Data Organization To Evaluate the Current System of Annual Assessments and User Fees

H.P. 417 L.D. 532
(C "A" H-255)

Resolve, Regarding Fire Safety Issues in Head Start Preschool Programs Located in Public Schools

H.P. 808 L.D. 1105
(C "A" H-254)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 488 L.D. 1460

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

Resolve, To Reduce the State Valuation for the Town of Hermon

S.P. 182 L.D. 542
(C "A" S-101)

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

ORDERS OF THE DAY

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

The Chair laid before the Senate the following Tabled and Later (5/7/03) Assigned matter:

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

Tabled - May 7, 2003, by Senator **WOODCOCK** of Franklin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197)**, in concurrence.)

(In House, May 6, 2003, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later (5/7/03) Assigned matter:

Bill "An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts"

H.P. 823 L.D. 1120

Tabled - May 7, 2003, by Senator **BENNETT** of Oxford

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

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

(In Senate, May 7, 2003, on motion by Senator **EDMONDS** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence. **RULES SUSPENDED, READ TWICE**.)

PASSED TO BE ENGROSSED, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005

H.P. 253 L.D. 310

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-223)** (6 members)

Tabled - May 9, 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 6, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 9, 2003, Reports **READ**.)

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

Senator **GILMAN:** Thank you, Madame President, men and women of the Senate. I rise today to urge you to oppose the pending Ought Not to Pass motion so that we can go on to consider the Ought to Pass as Amended minority report. As you know, this is not the first time this bill has been considered by this legislature. However, I believe it is a bill whose time has come. The bill proposes to reduce the size of the Senate to 33 members and House of Representatives to 99 members. A smaller legislature will be a more efficient one with fewer bills being proposed and fewer laws getting piled upon the books. The State of Maine would be better served by a leaner legislative body, and in these trying economic times, it is important to note that a smaller state legislature will cost the state less money. This bill also fits very well with the efforts of municipalities as they work to make their own governments more efficient. Once again, please join with me in opposing this Ought Not to Pass motion so we can go on to consider the minority Ought to Pass as Amended report. Thank you very much.

Senator **WOODCOCK** of Franklin requested a Roll Call.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. This resolution proposes a Constitutional Amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2004, during the second regular session of the 121st Legislature. The reduction in size of each legislative body takes effect in 2005. I urge you to support the majority Ought Not to Pass report.

The State Constitution already gives us flexibility in reducing the size of the legislature if we wish. The argument that this will save money does not take into account the increased number of constituents that a legislator will be responsible for and the

corresponding additional level of support this will require from staff.

During the public testimony, proponents of the bill also argued that, with the new information and communication technologies, the closeness of legislators to their constituents is no longer as important. I would respond, in turn, that it is precisely the closeness of constituents to their legislature that makes our state, and legislature, special and enables us to represent the people of our district well. We should not jeopardize or sacrifice that connection by drastically increasing the number of people we represent. The Maine State Constitution's provisions regarding representation have served the people of Maine very well over the years. Nothing is broken, nothing needs to be fixed. Please vote in favor of the pending, Ought Not to Pass, motion. Thank you.

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 (#54)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, 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, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

19 Senators having voted in the affirmative and 16 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**.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"
S.P. 94 L.D. 260

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-116)** (11 members)

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

Tabled - May 9, 2003, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 9, 2003, Reports **READ**.)

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

At the request of same Senator a Division was had. 23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

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

Tabled - May 9, 2003, by Senator **TREAT** of Kennebec

Pending - motion by Senator **NASS** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**

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

(In Senate, May 9, 2003, on motion by Senator **KNEELAND** of Aroostook, **RECONSIDERED** whereby the Bill and accompanying papers was **INDEFINITELY POSTPONED**.)

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

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 (#55)

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

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Tuesday, May 13, 2003, at 10:00 in the morning.

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **NASS** of York to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

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

The Chair laid before the Senate the following Tabled and Later (5/9/03) Assigned matter:

Bill "An Act To Clarify Arrest Powers of Law Enforcement Officers"

H.P. 361 L.D. 469
(S "A" S-111 to C "A" H-123)

Tabled - May 9, 2003, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, May 7, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123) AS AMENDED BY SENATE AMENDMENT "A" (S-111)** thereto, in **NON-CONCURRENCE**.)

(In House, May 8, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123) AS AMENDED BY HOUSE AMENDMENT "A" (H-290)** thereto, in **NON-CONCURRENCE**.)

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

Senate at Ease.

Senate called to order by the President.

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