

# MAINE STATE LEGISLATURE

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

Volume 1

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

Pages 1 - 714

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

In Senate Chamber  
Tuesday  
May 13, 2003

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

Prayer by Reverend Paul Basham, Penny Memorial United Baptist Church in Augusta.

**REVEREND BASHAM:** Let us pray. Our Heavenly Father, as we gather here today from many different religious traditions, we are united in one purpose, to advance what we believe is in the best interest of all. Help this assembly, selected by the people of our state, to set priorities and so order the people's business, so that we will make room for Your divine presence among us. We thank You for our nation's heritage, made possible by the toil and sacrifice of those who have gone before us. Now it is our turn to toil and sacrifice for generations to come.

We pray for people of other lands, whose freedoms have been stolen, whose liberties have been restricted, and whose lives have known deep and dark shadows.

We pray for our sons and daughters who wear our country's uniform, at home and abroad. Give to them strength beyond their own and assure them of Your mercy and grace in time of need. Bless all who serve in our homeland communities, in many different roles and capacities. Give to us wisdom to seek opportunities in every opportunity.

As a song in the night, give to us an inner serenity that cannot be disturbed by adverse circumstances or misfortune. Enable us to fortify the spiritual foundations of our families and inspire our children and youth towards worthy goals. Help us to affirm what is best in others and to praise the good wherever we find it.

Bless the leadership of our Senate President, Beverly Daggett. At the end of this day, and at the end of life's day, may each one assembled here in this place hear the whispered benediction, 'well done, good and faithful servant.' Amen.

Doctor of the day, Dervilla McCann M.D. of Auburn.

Reading of the Journal of Monday, May 12, 2003.

Off Record Remarks

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

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices

H.P. 744 L.D. 1027

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-230)** (10 members)

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

In House, May 7, 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-230)**.

In Senate, May 9, 2003, on motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

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

On motion by Senator **GAGNON** of Kennebec, the Senate **ADHERED**.

Sent down for concurrence.

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**House Papers**

Bill "An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs"  
H.P. 1187 L.D. 1611

Come from the House, **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM** and ordered printed.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM** and ordered printed, in concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine  
H.P. 1188 L.D. 1612

Come from the House, **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM** and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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**Joint Resolution**

The following Joint Resolution:

H.P. 1186

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES  
DEPARTMENT OF AGRICULTURE TO PROVIDE REGIONAL  
EQUITY IN FEDERAL SUPPORT TO AGRICULTURE AS  
PROMISED IN THE 2002 FARM BILL**

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 Department of Agriculture as follows:

WHEREAS, agricultural production is a unique and diversified industry in the northeastern United States; and

WHEREAS, the agricultural industry continues to be one of the top employers in each of the states in the northeast region; and

WHEREAS, differences in climate, transportation, feed, energy costs and land values compound regional differences; and

WHEREAS, the current crisis in dairy prices is placing a tremendous burden on the entire structure and infrastructure of agriculture in the northeast region; and

WHEREAS, the northeast region of the United States contains more than 135,000 small to mid-size family agricultural operations on more than 20 million acres of land; and

WHEREAS, in the northeast region, more than 58 million consumers, many living in urban areas, are concerned about food security in these times of national unrest and terrorism; and

WHEREAS, we believe that it is in the best interest of national security to ensure that regional agriculture continues to be viable and available to provide a safe, secure food supply to those consumers; and

WHEREAS, the federal Farm Security and Rural Investment Act of 2002, commonly referred to as the 2002 Farm Bill, provided a very positive first step in providing regional equity in federal support to agriculture; and

WHEREAS, the proposed United States Department of Agriculture's Environmental Quality Incentives Program rules contain provisions that will pose a severe impediment to northeast farmers who wish to access that program; now, therefore, be it

RESOLVED: That We, the Members of the 121st Legislature, now assembled in the First Regular Session, respectfully request that when the United States Department of Agriculture promulgates its rules, the department:

1. Ensure that locally led conservation not take a back seat to national priorities and measures by continuing the commitment to farmer-driven decision making that will create local efficiencies and opportunities to partner with other entities to optimize the funds available;

2. Recognize that cost-share rates less than 75% will not make agricultural production and environmental quality compatible goals as stated in the statute, particularly given the fiscal crisis in the northeast dairy industry;

3. Ensure that the Environmental Quality Incentives Program will support the development of irrigation systems for new and existing irrigators;

4. Acknowledge that the practice of 3-year rotations, encouraged by the United States Department of Agriculture, which has been adopted by many northeast producers, will under the proposed rule severely limit the number of producers who are eligible for irrigation cost-share funds;

5. Recognize that historically the northeast is underserved by farm bill programs due to the inability of northeast producers to receive commodity payments;

6. Recognize that the Environmental Quality Incentives Program is one of the few farm bill programs that can be utilized by producers in the northeast region;

7. Recognize the intent of Congress by making the Environmental Quality Incentives Program regionally equitable by distributing funds equally; and

8. Ensure that the timing of drafting the Environmental Quality Incentives Program rules doesn't eliminate states from the regional equity clause in the proposed rule for 2003 and that the \$12,000,000 allocated to each state will be available for at least one year until the rules are established and ample time is given to notify the agricultural community and to distribute funds; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Agriculture Secretary Ann M. Veneman and to each member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 234

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

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 Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 589      An Act To Create a Woods-related Bargaining Council

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

Sincerely,

S/Sen. Betheda G. Edmonds  
Senate Chair

S/Rep. William J. Smith  
House Chair

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

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#### SENATE PAPERS

Resolve, Authorizing Germaine Bell To Sue the State  
S.P. 567 L.D. 1613

Sponsored by Senator GAGNON of Kennebec.  
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 **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Ordered sent down forthwith for concurrence.

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#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond"

H.P. 32 L.D. 25

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

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

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

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

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The Committee on **TAXATION** on Bill "An Act To Conform the Maine Tax Laws for 2002 with the United States Internal Revenue Code" (EMERGENCY)

H.P. 1067 L.D. 1462

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

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

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

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

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##### Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Change Mandatory Minimum Sentences in Certain Cases"

H.P. 633 L.D. 856

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-311).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311).**

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

**READ ONCE.**

Committee Amendment "A" (H-311) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Implement the Recommendations from the Programmatic Review of the State's Inland Fisheries Management Program"

H.P. 57 L.D. 49

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-304).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304).**

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

**READ ONCE.**

Committee Amendment "A" (H-304) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Alewife Harvesting"

H.P. 115 L.D. 106

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**.

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

**READ ONCE.**

Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Create the Snowmobile Trail Fund Advisory Council"

H.P. 577 L.D. 778

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-306)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306)**.

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

**READ ONCE.**

Committee Amendment "A" (H-306) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Eliminate Filing by Special Hide Dealers"

H.P. 779 L.D. 1061

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-303)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303)**.

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

**READ ONCE.**

Committee Amendment "A" (H-303) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish the Landowners and Sportsmen Relations Advisory Board"

H.P. 1064 L.D. 1456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-305)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**.

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

**READ ONCE.**

Committee Amendment "A" (H-305) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **MARINE RESOURCES** on Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine (EMERGENCY)

H.P. 1112 L.D. 1519

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281) AS AMENDED BY HOUSE AMENDMENT "A" (H-327)** thereto.

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

**READ ONCE.**

Committee Amendment "A" (H-281) **READ**.

House Amendment "A" (H-327) to Committee Amendment "A" (H-281) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-281) as Amended by House Amendment "A" (H-327) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281) AS AMENDED BY HOUSE AMENDMENT "A" (H-327)** thereto, in concurrence.

---

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

H.P. 1133 L.D. 1547

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-298)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**.

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

**READ ONCE.**

Committee Amendment "A" (H-298) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations of the State House and Capitol Park Commission Regarding a Living Memorial in Capitol Park"

H.P. 373 L.D. 484

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-308)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308)**.

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

**READ ONCE.**

Committee Amendment "A" (H-308) **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 Clarify Tax Appeal Procedures"

H.P. 343 L.D. 451

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-310)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310)**.

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

**READ ONCE.**

Committee Amendment "A" (H-310) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act To Protect Lienholders of Titled Vehicles" (EMERGENCY)

H.P. 780 L.D. 1062

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-299)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)**.

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

**READ ONCE.**

Committee Amendment "A" (H-299) **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 Bill "An Act To Ensure and Encourage the Generation of Electricity from Renewable Resources"

H.P. 966 L.D. 1312

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317)**.

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

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

**READ ONCE.**

Committee Amendment "A" (H-317) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement Full Reciprocity of Concealed Weapons Requirements"

H.P. 814 L.D. 1111

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

Signed:

Senators:

STRIMLING of Cumberland  
HATCH of Somerset  
CARPENTER of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-312)**.

Signed:

Representative:

SNOWE-MELLO of Poland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Parental Responsibility for Restitution"

H.P. 842 L.D. 1139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-132)**.

Signed:

Senators:

STRIMLING of Cumberland  
HATCH of Somerset  
CARPENTER of York

Representatives:

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

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

Signed:

Representative:

BLANCHETTE of Bangor

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Ensure an Equitable Allocation of Federal Sport Fish Restoration Funding between Saltwater and Freshwater Fisheries Projects"

H.P. 757 L.D. 1040

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

Signed:

Senators:

BRYANT of Oxford  
CARPENTER of York  
KNEELAND of Aroostook



Representatives:

DUNLAP of Old Town  
RICHARDSON of Greenville  
TOBIN of Dexter  
HONEY of Boothbay  
TRAHAN of Waldoboro  
WHEELER of Kittery  
WOTTON of Littleton  
PINEAU of Jay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-307)**.

Signed:

Representative:

WATSON of Bath

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

Reports **READ**.

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

---

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Allow the Buyback of Active Duty Military Time for Maine State Retirement System Credit"

H.P. 658 L.D. 881

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

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot  
BLAIS of Kennebec

Representatives:

SMITH of Van Buren  
CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland  
HUTTON of Bowdoinham  
HATCH of Skowhegan  
PATRICK of Rumford  
JACKSON of Fort Kent  
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-320)**.

Signed:

Representative:

TREADWELL of Carmel

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

Reports **READ**.

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

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses"

H.P. 1003 L.D. 1368

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-276)**.

Signed:

Senators:

DAMON of Hancock  
PENDLETON of Cumberland  
BENNETT of Oxford

Representatives:

BULL of Freeport  
SULLIVAN of Biddeford  
PERCY of Phippsburg  
MUSE of Fryeburg  
McNEIL of Rockland  
KAELIN of Winterport  
BOWEN of Rockport

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

Signed:

Representatives:

ASH of Belfast  
DUGAY of Cherryfield  
BIERMAN of Sorrento

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-276)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-276) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner"

H.P. 694 L.D. 937

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

Signed:

Senators:

STANLEY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

LEMOINE of Old Orchard Beach  
McGOWAN of Pittsfield  
SUSLOVIC of Portland  
TARDY of Newport  
McCORMICK of West Gardiner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-315).**

Signed:

Representatives:

PERRY of Bangor  
CLOUGH of Scarborough  
COURTNEY of Sanford  
LERMAN of Augusta  
SIMPSON of Auburn

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION.**

Reports **READ.**

On motion by Senator **STANLEY** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

---

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Establish a Modern Transportation Policy"

H.P. 887 L.D. 1213

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

Signed:

Senators:

HATCH of Somerset  
SAVAGE of Knox

Representatives:

JODREY of Bethel  
McNEIL of Rockland  
COLLINS of Wells  
USHER of Westbrook  
BROWNE of Vassalboro  
McKENNEY of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-297).**

Signed:

Senator:

DAMON of Hancock

Representatives:

MARLEY of Portland  
PARADIS of Frenchville  
MARRACHÉ of Waterville  
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.

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Ensure that Utility Property is used to Further the Public Interest"

H.P. 75 L.D. 67

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

Signed:

Senators:

HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-318)**.

Signed:

Representatives:

ADAMS of Portland  
GOODWIN of Pembroke

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Control Internet 'Spam'"

H.P. 210 L.D. 255

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-70)**.

Signed:

Senator:

HALL of Lincoln

Representatives:

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

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

MOODY of Manchester  
CRESSEY of Baldwin

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-70)**.

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Ensure Segregation of Spoiled Ballots"

S.P. 322 L.D. 981

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

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

**READ ONCE**.

Committee Amendment "A" (S-129) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Encourage the Development and Use of Domestically Produced Renewable Motor Vehicle Fuels"

S.P. 160 L.D. 441

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

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

**READ ONCE**.

Committee Amendment "A" (S-135) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Implement the Recommendations of the Task Force on Rail Transportation"

S.P. 208 L.D. 599

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-136)**.

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

**READ ONCE**.

Committee Amendment "A" (S-136) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Self-regulation for Registered Dental Hygienists"

S.P. 460 L.D. 1390

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

Signed:

Senators:

HALL of Lincoln  
SHOREY of Washington

Representatives:

AUSTIN of Gray  
BERUBE of Lisbon  
JACOBSEN of Waterboro  
RECTOR of Thomaston  
ROGERS of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-130)**.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

SULLIVAN of Biddeford  
O'BRIEN of Lewiston  
DUPREY of Medway  
PELLON of Machias  
SMITH of Monmouth

Reports **READ**.

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create a Sustainable Energy Trust Fund"

S.P. 284 L.D. 805

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-133)**.

Signed:

Senators:

HALL of Lincoln  
YOUNGBLOOD of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-134)**.

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ**.

On motion by Senator **HALL** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133)** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-133) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133)**.

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on  
Resolve, To Encourage Use of Alternative Energy Sources  
S.P. 388 L.D. 1184

Reported that the same **Ought to Pass as Amended by  
Committee Amendment "A" (S-132).**

Signed:

Senators:

HALL of Lincoln  
YOUNGBLOOD of Penobscot

Representatives:

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

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

Signed:

Representatives:

GOODWIN of Pembroke  
CRESSEY of Baldwin

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (S-132) **READ** and **ADOPTED.**

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

Sent down for concurrence.

---

**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on  
Bill "An Act To Establish the Locally Governed Water District Act"  
S.P. 447 L.D. 1359

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

Signed:

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
ADAMS of Portland  
BERRY of Belmont  
GOODWIN of Pembroke  
CRESSEY of Baldwin  
RICHARDSON of Skowhegan

The Minority of the same Committee on the same subject  
reported that the same **Ought To Pass as Amended by  
Committee Amendment "A" (S-131).**

Signed:

Senators:

HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

LUNDEEN of Mars Hill  
MOODY of Manchester  
BLISS of South Portland

Reports **READ.**

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Allow Licensure of Graduates of Social Work Programs  
That Are in Candidacy for Accreditation

H.P. 849 L.D. 1146  
(S "A" S-109 to C "A" H-182)

This being an Emergency Measure and having received the  
affirmative vote of 30 Members of the Senate, with no Senators  
having voted in the negative, and 30 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 Comprehensive Cancer Control in Maine  
S.P. 314 L.D. 973  
(C "A" S-105)

An Act To Promote and Protect Private Enterprise

S.P. 416 L.D. 1285  
(C "A" S-100)

**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 Extend the Authority of the Health Care System and Health Security Board

H.P. 27 L.D. 20  
(C "A" H-113; H "A" H-143)

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

---

An Act To Promote Economic Growth by Retaining Engineers in Maine

S.P. 334 L.D. 993  
(C "A" S-97)

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

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### Resolves

Resolve, To Establish a System for Electronic Filing of Death Certificates

S.P. 291 L.D. 896  
(C "A" S-104)

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

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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  
(C "A" H-235)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, 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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Governing Privacy of Consumer Financial Information"

H.P. 491 L.D. 661

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

Signed:

Senators:

LaFOUNTAIN of York  
MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham  
PERRY of Calais  
BREAULT of Buxton  
O'NEIL of Saco  
GLYNN of South Portland  
SNOWE-MELLO of Poland  
YOUNG of Limestone  
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-199)**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

CANAVAN of Waterville  
WOODBURY of Yarmouth

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

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Same Senator requested a Division.

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

Senator **DOUGLASS:** Madame President, I move that we accept this report because this is a matter that was brought to our attention in the last session of the legislature. It involves the Gramm-Leach-Bliley Information Act. What this act did was to allow financial institutions to share information with their subsidiaries or with third parties. Specifically, it allows institutions that you may have applied to for a loan to share information, which you thought was confidential, with anyone that they chose to sell their information to.

We haven't seen the terrible stories that I believe will occur as a result of passing this law yet, because right now all that information is being held by private corporations or individuals who want to sell you insurance, stocks, mortgages, or that type of thing. That is the problem. We don't know. An individual consumer doesn't know that his name, social security number, amount of money in the bank, or the amount that he is earning at a certain time when he applies for a loan is going to be sold to another entity.

There is a provision in the law that the company is that selling you these services initially will tell you what their privacy policy is. That ends up being something like an 11" x 17" piece of paper, folded up, that is stuffed into your credit card statement or your loan application. It's usually written in something like a 6 point font. How many of you have read those privacy statements? Because we passed this last time, I did attempt to gather all of mine. I do have probably more credit cards than I should and I may have dealt with more banks than I really would care to, but don't forget that this applies to just about any card that you might have that involves financial services. I've gotten one of these privacy statements from my accountant. I've gotten one from my stockbroker. I've gotten one from my lawyer, and I do have another lawyer to do my personal business. When I looked at these, they all totaled about 1" thick of materials. On every single one, for every single account, it is now my responsibility to respond to each and every one of those institutions and tell them that I do not wish to have my information sold. I can tell you that I did that with the first several. But after that, it became absolutely impossible.

There are some institutions that don't sell that information. I credit them. Thank goodness there are some. But some of the larger credit card companies do sell this information. What I think is most scary is, do we know anything about how secure they keep it? I think that is the strongest reason for voting in favor of the minority report and I hope you will join me in doing so.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. This issue has been before us previously, as was indicated by the good Senator from Androscoggin, Senator Douglass. I think we all deserve a little lesson in history as we move forward with this particular piece of legislation. I am urging that you defeat the current motion so that we may go on and agree with the other body.

In 1999, Congress addressed the need to safeguard the privacy of consumers financial information by enacting Gramm-Leach-Bliley, the Financial Modernization Act. Every member of Maine's Congressional delegation supported this national privacy legislation. Senator Snowe, Senator Collins, Congressman Allen, and then Congressman Baldacci. In 2001, the Maine Legislature overwhelmingly, and I would emphasize overwhelmingly, supported the enactment of legislation incorporating the federal privacy legislation as Maine's law governing the privacy of consumers' financial information. Among the supporters of that state legislation was the new Congressman from the second district, Congressman Michaud. The Baldacci administration joins us this year in opposing a change in Maine law, as was indicated by the Commissioner Robert Murray.

Supporting L.D. 661 would result in Maine not having the same law as the federal national law. Maine's financial service

providers would be at a disadvantage. An opt-in standard might apply only to some institutions in Maine, institutions located outside Maine would follow the federal opt-out rules in most cases. This would apply to national banks, credit card lenders, lenders taking assignment of Maine loans, and affiliates of Maine's financial institutions. This would further confuse the situation.

Maine needs clean, high-paying financial service jobs. Maine has taken many strides forward in recent years to make itself a haven for thousands of these important jobs all over the state. Maine should not pass a law that could, and I would emphasize could, encourage some of these jobs to relocate to other states, where the national privacy standard is in place.

The passage of L.D. 661, under the current motion, would particularly hurt Maine's small banks and all its' state chartered credit unions. Large institutions, with multiple affiliates, have a built-in network for information sharing. Not so with the small local banks and credit unions that we have in many of our communities in this state.

In closing, I would like to indicate something that has bothered me as this debate has gone on and we have received a lot of communication in the last couple of months. The AARP had its members contact legislators, and I'm sure that they have contacted many of you on this situation, asking that we would support the motion that has been made by the good Senator from Androscoggin, Senator Douglass. However, there is one interesting bit of information that has been left out of all of this. If you go to the AARP web site, you will find the following; the AARP does share its membership information with many third party product and service providers, including financial institutions, credit card issuers, investment firms, and insurance companies. These are affiliates, in most cases, if not all, of AARP, but the information is shared. If an AARP member does not wish to have that information shared, the AARP must opt-out of this situation.

Ladies and gentlemen, while it is very nice, at times, to have the State of Maine acting alone among the states in this country, by accepting and going along with this particular motion, we will be costing Maine institutions not only money, but the possibility of the loss of jobs. I would urge, I will repeat, I would urge that you not support the motion in front of you and that we go on and agree with the other body. Thank you very much.

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

Senator **HALL:** Thank you, Madame President. I rise, very briefly, to support the motion of the good Senator from Androscoggin, Senator Douglass, because I think that, after stripping away the arguments about the economy, this bill is about one very simple and important principle. It the principle of who owns your financial information. Do you own it or do the banks and financial institutions, with whom you are doing business, own it? Gramm-Leach-Bliley clearly transferred ownership of your information to financial institutions. This bill would rectify that and return ownership of your information to you, the Maine citizen. Thank you, Madame President.

Senator **MAYO** of Sagadahoc requested a Roll Call.

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

Senator **DOUGLASS**: Madame President and members of the Senate, I rise to simply remind folks that Gramm-Leach-Bliley was not set forth as a bill to protect the privacy of consumers. It was set forth as a law to allow financial institutions to do more business in other lines, such as stocks, insurance, and a variety of financial transactions. In other words, it was set in motion to provide more competition and competition includes having information. It was never really about privacy. Privacy was obviously one of the things that had to be addressed. The way it was address was to allow the states to chose to either have their citizens opt-in or opt-out. The only thing this bill is about is whether Maine should be a state in which you are allowed to opt-in, and have your information be private, or stay a state in which you opt-out, which means, no doubt, that every single one of us will lose track of one of those institutions that holds very private financial information, not just information about whether we belong or are old enough to belong to AARP. I do know some of us might like to hide that fact, but it's not as important as that very sensitive financial information. Thank you.

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

Senator **BENNETT**: Thank you, Madame President, fellow members of the Senate. This proposal before us, in my view, is not about Gramm-Leach-Bliley. It is, and I would agree with the Senator from Lincoln, Senator Hall, about ownership and control. I would submit that the greatest threat to privacy is the inability of people to take charge of their own names, their identity, and their privacy. We need consistent, reliable, understandable rules in order for people to be able to do that. This bill would only confuse people, people that sometimes, unfortunately, are referred to as consumers, about whether they are protected or not. In fact, the weak underbelly of this bill, in my view, is that it exempts, by the nature of the limited action of states, certain institutions from this reach. Because of that, people won't know whether they are protected or not. I would submit that we need clear, consistent rules. This bill doesn't give the people that. People absolutely need to take responsibility and be able to take responsibility for their privacy. Regrettably, this bill will fall short, add more confusion, and in fact, harm people. Thank you.

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

Senator **MARTIN**: Thank you, Madame President and members of the Senate. A couple of years ago we debated this issue and I wasn't sure which way I was going until the very end. My concern goes beyond that. I think we've now reached the point in our society where we have lost control of where we are, who we are, and what we want to be. With the last edition of 911 in Maine, all you need to do is click onto the computer and you can find out where anyone lives, and you can even get a picture of your home. We've now gone way beyond what we are debating here today. I don't think we need to make it any more confusing to people. As much as I hate to admit it, we have yet to have any complaints under the present things that Maine has done. Before we move, I think we ought to wait. At some point, if there ends up being some problems, I will be the first one to move in that direction, but today I will be voting for the majority report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

# ROLL CALL (#56)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, DAMON, DOUGLASS, EDMONDS, HALL, HATCH, ROTUNDO, STRIMLING, TREAT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, CATHCART, DAVIS, GAGNON, GILMAN, KNEELAND, LEMONT, MARTIN, MAYO, MITCHELL, NASS, SAVAGE, STANLEY, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: PENDLETON, SAWYER, SHOREY, YOUNGBLOOD

EXCUSED: Senator: LAFOUNTAIN

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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Off Record Remarks

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

## PAPERS FROM THE HOUSE

### Non-Concurrent Matter

Bill "An Act to Ban Smoking in Beano and Bingo Halls"  
H.P. 186 L.D. 227

In Senate, May 7, 2003, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-309)**, in **NON-CONCURRENCE**.

Senator **BRENNAN** of Cumberland moved the Senate **RECEDE** and **CONCUR**.



On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

---

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

**COMMUNICATIONS**

The Following Communication: H.C. 208

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

May 12, 2003

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Improve Fisheries Management in Hancock County

(H.P. 601) (L.D. 824)

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority (EMERGENCY)

H.P. 1143 L.D. 1560

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

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

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

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

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect Children from Cancer-causing Chemicals" H.P. 158 L.D. 199

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-323)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-323)**.

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

**READ ONCE**.

Committee Amendment "A" (H-323) **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 Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY)

H.P. 797 L.D. 1079

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-326)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)**.

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

**READ ONCE**.

Committee Amendment "A" (H-326) **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 Include Alternates as Regular Jurors"

H.P. 854 L.D. 1155

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-325)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325)**.

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

**READ ONCE.**

Committee Amendment "A" (H-325) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, 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 **LABOR** on Bill "An Act Pertaining to Former Members of the Maine State Retirement System"

H.P. 608 L.D. 831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-322)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322)**.

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

**READ ONCE.**

Committee Amendment "A" (H-322) **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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Standardize Reporting Requirements for PACs, Parties and Independent Electioneering Expenditures"  
H.P. 489 L.D. 659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-301)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AS AMENDED BY HOUSE AMENDMENT "A" (H-329)** thereto.

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

**READ ONCE.**

Committee Amendment "A" (H-301) **READ**.

House Amendment "A" (H-329) to Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-310) as Amended by House Amendment "A" (H-329) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AS AMENDED BY HOUSE AMENDMENT "A" (H-329)** thereto, in concurrence.

---

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Subdivision Laws"

H.P. 951 L.D. 1297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-330)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330)**.

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

**READ ONCE.**

Committee Amendment "A" (H-330) **READ** and **ADOPTED**, in concurrence.

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

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

#### REPORTS OF COMMITTEES

##### Senate

**Ought to Pass As Amended**

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act To Allow Certain Employees of the Maine Technical College System To Amend Their Retirement System Election"

S.P. 236 L.D. 672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-138)**.

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

**READ ONCE**.

Committee Amendment "A" (S-138) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify the Timber Harvesting Notification Requirements"

S.P. 463 L.D. 1407

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

Signed:

Senators:

BRYANT of Oxford  
KNEELAND of Aroostook  
YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne  
LUNDEEN of Mars Hill  
PINEAU of Jay  
PIOTTI of Unity  
SMITH of Monmouth  
HONEY of Boothbay  
CHURCHILL of Orland  
FLETCHER of Winslow  
EDER of Portland

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

Signed:

Representative:

CARR of Lincoln

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals"

S.P. 517 L.D. 1543

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

Signed:

Senators:

BRYANT of Oxford  
KNEELAND of Aroostook  
YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne  
LUNDEEN of Mars Hill  
PINEAU of Jay  
PIOTTI of Unity  
SMITH of Monmouth  
CARR of Lincoln  
CHURCHILL of Orland  
HONEY of Boothbay  
FLETCHER of Winslow

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

Signed:

Representative:

EDER of Portland

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

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Off Record Remarks

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

**ORDERS**

**Joint Resolution**

Joint Resolution in Memoriam:

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

John M. "Jack" McPhee, of Brewer, beloved husband of Joanne "Josey" McPhee. Jack was hired as a game warden on October 19, 1964 and was promoted to game warden pilot on July 3, 1967. After he retired in 1985, he worked as a contract pilot for the Department of Inland Fisheries and Wildlife doing threatened species survey work. He was very well liked, widely known and respected and had a reputation as an excellent bush pilot. He will be greatly missed by his family, friends and the people he worked with;

SLS 197

Sponsored by Senator MARTIN of Aroostook.  
Under suspension of the rules, cosponsored by Senators: WOODCOCK of Franklin, MAYO of Sagadahoc, BROMLEY of Cumberland, KNEELAND of Aroostook, BRYANT of Oxford, CARPENTER of York, DAMON of Hancock, HATCH of Somerset, Representatives: DUNLAP of Old Town, GREELEY of Levant, WOTTON of Littleton, LUNDEEN of Mars Hill, McGLOCKLIN of Embden, PINEAU of Jay, WATSON of Bath, WHEELER of Kittery, TRAHAN of Waldoboro, HONEY of Boothbay, TOBIN of Dexter, RICHARDSON of Greenville, MAKAS of Lewiston, RINES of Wiscasset, SMITH of Monmouth, TREADWELL of Carmel, Speaker COLWELL of Gardiner, HATCH of Skowhegan, USHER of Westbrook, PELLON of Machias, KOFFMAN of Bar Harbor, TARDY of Newport, CARR of Lincoln.

**READ.**

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Some of you have heard of the passing of John McPhee in a crash, on Sunday morning, a week ago. I thought that it was appropriate that I spend a little time this morning talking about Jack McPhee since I knew him during the time that

he served as a flying warden, stationed in Eagle Lake. He actually was a graduate of Patten Academy and the University of Maine. Subsequently, he went to Bath to teach, but became a game warden. A few years later, he became known as the flying warden of the Maine north woods and served the agency until his retirement. You may also be aware that the crash occurred in Township 11, Range 11, just near Third Musquacook Lake, for those of you who know the region. At that time, he was actually working for the Department of Inland Fisheries and Wildlife doing survey work on the Canadian Lynx. That is what he was actually tracking at that point when he had his medical emergency, and subsequently, crashed.

Jack was one of those individuals who, frankly, would do almost anything for anyone, whether he was working for the state or working for himself, as he did after his retirement. He bought and built, literally from the ground up, a set of sporting camps in the north Maine woods. He would, obviously, be the type of person that you really would want as your guide because he knew the north Maine woods probably better than anyone else.

One of the things that I ran across this morning is something that I remembered from some time ago. It was a book by John McPhee, the author. Back in the early 1980's, he wrote a chapter about John 'Jack' McPhee. It's called North of the CP Line. It is well worth reading because it tells you exactly about the kind of guy Jack McPhee was.

I know most of us will be unable to attend, but this afternoon there will be a memorial service for him in Brewer. I must point out that it is the last thing in the world he ever would have wanted, because he was one of those private individuals who felt very strongly that those things should be very private and should not be open to the world. Luckily for his family, and all of us, he lost control, for once in his life. I just think that it is befitting for all of us to pass this memorial for a Maine native who really was of Maine and for Maine.

**ADOPTED.**

Sent down for concurrence.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters"

S.P. 46 L.D. 123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-143).**

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

**READ ONCE.**

Committee Amendment "A" (S-143) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide 'Any-deer' Permits to Permanently Disabled Nonambulatory Persons"

S.P. 265 L.D. 786

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-144)**.

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

**READ ONCE.**

Committee Amendment "A" (S-144) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals"

S.P. 285 L.D. 806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-142)**.

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

**READ ONCE.**

Committee Amendment "A" (S-142) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

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

#### **REPORTS OF COMMITTEES**

**Senate**

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

Senator CATHCART for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Funds To Renovate the State's Court Facilities in the City of Bangor"  
S.P. 229 L.D. 665

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

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

**READ ONCE.**

Committee Amendment "A" (S-140) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Banking Laws"

S.P. 512 L.D. 1534

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-141)**.

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

**READ ONCE.**

Committee Amendment "A" (S-141) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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#### **ORDERS OF THE DAY**

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Allow the Buyback of Active Duty Military Time for Maine State Retirement System Credit"

H.P. 658 L.D. 881

Majority - **Ought Not to Pass** (12 members)

**Minority - Ought To Pass as Amended by Committee  
Amendment "A" (H-320) (1 member)**

Tabled - May 13, 2003, by Senator **WOODCOCK** of Franklin

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

(In House, May 12, 2003, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 13, 2003, Reports **READ**.)

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

---

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

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits"

H.P. 657 L.D. 880

**Majority - Ought to Pass as Amended by Committee  
Amendment "A" (H-146) (8 members)**

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

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

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

(In House, May 8, 2003, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED**.)

(In Senate, May 9, 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 rise today to encourage you to join me in voting for the majority Ought to Pass as Amended report. This bill is a bill that will benefit greatly senior citizens or anybody who is retired and collecting Social Security. Presently, in our unemployment system, if you are collecting Social Security there is an offset if you go to collect unemployment benefits.

As you know, many people who have retired and are collecting Social Security are living on a very limited income. If they are having a second job, which many people decide they need to do to supplement their Social Security income, and they get laid-off from that job, the offset that results from the existing law means that they get such a small benefit from unemployment that it becomes a hardship.

I know you have a piece of paper on your desk referring to the rise in cost to the Unemployment Trust Fund, and therefore, raising premiums for Maine employers. I would say to you that the facts, that we know categorically, are that if someone is receiving an unemployment benefit, that money is going directly into our economy to pay people's immediate bills. This is not money anybody is squirreling away. We don't really know if this is going to raise premiums, by the way. We don't know how many people will end up pursuing this benefit. We don't know those numbers. The fiscal office has to give you the worse case scenario. I'm not convinced that those numbers are, in fact, what we will end up with. But regardless, if this were to raise premiums for employers, I still say the retired individuals of this state deserve to have the money that they have earned, and that the employers have paid in for them for unemployment benefits, so that they can go on and live decent lives, pay their bills, and not have to depend on others for things that they, themselves, have worked hard for.

I would urge that you join me in the majority Ought to Pass as Amended report.

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. I agree that an increase in benefits is always a laudable goal. The purpose of unemployment insurance is to provide an income stream for when someone has lost their job and they have no income stream. What this legislation would do is provide a distinct group of people with two income streams, unemployment benefits and Social Security benefits. The administration testified that the cost increase to employers in our state, at a time when we are already suffering dire economic conditions for employers, would be \$2.7 million a year. It pushes the unemployment insurance assessment schedule from B to C, increasing costs to business by nearly \$14 million in the next biennium. To my mind, this is not a message that the legislature or our Governor should be sending to Maine's small business community at this time. The Bureau of Unemployment Compensation also testified that this could result in federal conformity issues. I ask you to join me today in opposing the motion and I would also call for the yeas and nays, Madame President. Thank you.

On motion by Senator **BLAIS** 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 Cumberland, Senator Edmonds.

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I rise just to clarify two points. It should be noted that undoubtedly the unemployment schedule will rise, regardless of what vote we have today. The unemployment schedule is anticipated to rise, regardless of the effects of this bill. Further, at least in my recollection of the discussions in the committee, I could be wrong, I'm occasionally wrong, but I don't think so in this case. I think it was cleared up that there was no federal conformity issue raised.

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

Senator **BLAIS:** Thank you, Madame President. I appreciate the comments from the good Senator from Cumberland, Senator Edmonds, in regard to the schedule change. I would also point out that the movement of the schedule from one classification to another is no reason to expand the benefits into that pool of money as well. I hope that you would oppose this motion.

**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 as Amended 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 (#57)**

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

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

ABSENT: Senators: PENDLETON, SAWYER, SHOREY, YOUNGBLOOD

EXCUSED: Senator: LAFOUNTAIN

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-146) **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-146)**, in concurrence.

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills"

H.P. 698 L.D. 941

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-212)** (10 members)

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

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

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 8, 2003, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-291)**.)

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

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/12/03) Assigned matter:

HOUSE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Prevent Distracted Driving"

H.P. 613 L.D. 836

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-287)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 12, 2003, by Senator **TURNER** of Cumberland

Pending - motion by Senator **HATCH** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, May 9, 2003, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 12, 2003, Reports **READ**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#58)**

YEAS: Senators: BRENNAN, CARPENTER, DAMON, EDMONDS, GAGNON, HATCH, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, BROMLEY, BRYANT, CATHCART, DAVIS, DOUGLASS, GILMAN, HALL, KNEELAND, LEMONT, MARTIN, MAYO, MITCHELL, NASS, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK

ABSENT: Senators: PENDLETON, SAWYER, SHOREY, YOUNGBLOOD

EXCUSED: Senator: LAFOUNTAIN

8 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, the motion by Senator **HATCH** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Prepare Maine's Students for Active Citizenship (EMERGENCY)

H.P. 333 L.D. 425

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-239)** (9 members)

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

Tabled - May 7, 2003, by Senator **DOUGLASS** of Androscoggin

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

(In House, May 6, 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-239).**)

(In Senate, May 7, 2003, Reports **READ**.)

Senator **MITCHELL** of Penobscot moved to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **MITCHELL:** Thank you, Madame President, ladies and gentlemen of the Senate. This resolve is to prepare Maine's students for active citizenship by establishing a commission to study the scope and quality of citizenship education. The reason I'm asking you to indefinitely postpone this is because we do not need a commission of 15 members to oversee and micromanage something that we already have in place.

Back in 1997, the Maine Legislature granted approval to Maine's Learning Results which included, in its' guiding principles, that each Maine school student must leave school as a responsible and involved citizen. Schools throughout the state are involved in a number of initiatives, several of which the Department has been able to support through competitive grant applications and private sources. In addition to Maine's Learning Results, social studies contains areas that includes standards and performance indicators that promote student participation in school and community activities that are supported through Promising Futures, a call to improve learning for Maine secondary students, and Taking Responsibility which sets standards for ethical and responsive behavior in Maine schools and communities. Through the Learning Results' guiding principles, the Department already has initiated several of these items by involving community people and our students in activities to make them more responsible as citizens.

We don't want to take away the initiative that people have begun in their communities by establishing their own initiatives to get students involved. Many community groups have initiated children being involved in community projects. The students feel very good about that. The Department has assured me that this is another initiative they will be giving to the new Commissioner and to one of their people, working with the Learning Results guiding principles, to get students more involved. It is part of what we already have established.

I don't want us to smother what is already in motion by trying to micromanage and bring another commission in. They are going to fund it within their own, but that means they are going to have to give a report to our leadership council. They are going to have to be involved with assessing whether or not they have collected all the funds necessary to fund this. It means leadership, as well as the Governor, appointing these people to this committee. This is time and work that we really don't need to extend. We've already got something in place, we've got communities really excited about getting the students involved, and the students are excited. So I think it's just a cloud over. We don't need additional work to do. Let them go ahead and do this. If it doesn't work out, we can always commit at a later point with another resolve or commission. At this time, let's let the momentum that is already out there build and go with it. Later on, if we need to do something, we can take appropriate action. I would appreciate your vote on indefinitely postponement of this bill. Thank you.

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

Senator **DOUGLASS:** Thank you, Madame President. I rise in opposition to the pending motion and urge that you vote against this so we can go on and adopt the majority report. The reason that this bill was put in was because the Department of Education is interested in having some communication between different school systems, some of whom have provided opportunities for community learning and service or leadership learning, and some



who have not begun down that road at all. One of the goals of this study is to provide leadership between those school systems that have done this very well and those who have not and to help nurture those who haven't really started down this road.

This is very likely to be a time saving measure for those communities who do not have this initiative well in hand yet. I do appreciate that money is one of the issues, but there are foundations that may come forward. So I would urge you to vote against the pending motion so we can go on and accept the majority report.

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

Senator **MITCHELL:** Thank you, Madame President. I would like to apologize to the good Senator from Androscoggin, Senator Douglass. This information, that I have, is from the members of the Department, pursuing if they need direction and a commission to actually tell them what to do to establish this between the towns. They agreed that with the new leadership that they have in place, that they can make this happen with the new Commissioner without having to have a commission established. Their initiative to do this, on their own, can make this happen. That is why we are paying them the wonderful money that we are to make this happen. So I do apologize for not sharing that with the Chair of our Education Committee prior to this conversation.

The Chair ordered a Division. 15 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MITCHELL** of Penobscot to **INDEFINITELY POSTPONE** the Resolve and accompanying papers, in **NON-CONCURRENCE, FAILED**.

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

On motion by Senator **DOUGLASS** of Androscoggin, **TABLED** until Later in Today's Session, pending motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine  
H.P. 1188 L.D. 1612

Tabled - May 13, 2003, by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

(In House, May 12, 2003, **REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM** and ordered printed.)

**REFERRED** to the Joint Select Committee on **HEALTH CARE REFORM** and ordered printed, in concurrence.

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, May 14, 2003, at 10:00 in the morning.