

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 20, 2003

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

Prayer by Reverend Stephen White, St. Andrews Episcopal
Church in Newcastle.

REVEREND WHITE: Let us pray. God of mercy and
compassion, who knows our nature, who loves us beyond our
understanding, and who guides us into greater service, hear the
prayers of the Senators gathered for this sacred moment of quiet.
Help them to work with Thee, oh God, that this may be a good
day, which good things accomplished by good people for the
common good. We know that a better world cannot be built by
indifferent people, so may there be no apathy in this place, no
lukewarmness in the cause of right. May they be passionate for
justice, creative for new answers, and alive to new possibilities.
Give them ears to be attentive to their constituents, patience for
the work that is before them, and a will to be open to one another.
In the midst of today's activities, make them aware of Your
invisible presence, oh God, that out of the confusion of issues,
may come directness of plan, out of fear may come confidence,
out of hurry may come the willingness to wait, and out of
frustration may come rest and strength. Oh God, direct our
Senators to do what is right for God's sake and for the sake of
peace and good conscience. Bless and guide them and their
families. May they always find support in the gratitude of their
fellow citizens and the love of their God. Amen.

Reading of the Journal of Monday, May 19, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Allowing Christy Reposa and Michaela Corbin-Bumford
to Sue the State

H.P. 536 L.D. 730
(C "A" H-356)

In Senate, May 15, 2003, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-356), in
NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-356) AS
AMENDED BY HOUSE AMENDMENT "A" (H-383) thereto, in
NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: S.C. 238

**121ST LEGISLATURE
COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY**

May 19, 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 Agriculture, Conservation and
Forestry has voted unanimously to report the following bill out
"Ought Not to Pass":

L.D. 926 An Act To Amend the Laws Governing the
Bigelow Preserve To Allow for Cross-country
Skiing

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

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

The Following Communication: S.C. 239

**121ST LEGISLATURE
COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

May 15, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 321 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds
- L.D. 449 An Act To Require All Fees, Fines and Penalties To Be Deposited into the General Fund
- L.D. 534 An Act To Authorize a General Fund Bond Issue in the Amount of \$4,000,000 To Construct the Gulf of Maine Research Laboratory
- L.D. 749 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Control State Spending Based on Certain Guidelines
- L.D. 1064 An Act To Reduce the Size of All Departments and Agencies
- L.D. 1173 An Act To Continue the Maine Farms for the Future Program
- L.D. 1307 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create the Maine Economic Stabilization and Endowment Fund

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

Sincerely,

S/Sen. Mary R. Cathcart S/Rep. Joseph C. Brannigan
Senate Chair House Chair

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

The Following Communication: S.C. 240

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

May 15, 2003

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

Dear President Daggett and Speaker Colwell:

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

- L.D. 401 An Act To Require the Plumbers' Examining Board To Adopt the Uniform Plumbing Code
- L.D. 688 An Act To Provide Incentives for Municipalities To Adopt a Building Rehabilitation Code
- L.D. 735 An Act to Increase Faculty in Maine Nursing Education Programs
- L.D. 1316 An Act To Establish Medical Gas and Vacuum System Installer Certification

We have also notified the sponsors and cosponsors of each bill listed 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. 241

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

May 19, 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 bill out "Ought Not to Pass":

- L.D. 1432 An Act Regarding the Factors Used for General Purpose Aid in the Essential Programs and Services Model for "English as a 2nd Language" Students

We have also notified the sponsor and cosponsors 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. 242

**121ST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 19, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| S.P. 372 | Joint Study Order to Establish the Task Force To Study Drug Overdose |
| L.D. 439 | Resolve, To Provide Equitable Services to Persons with Congenital Brain Anomalies |
| L.D. 602 | Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program |
| L.D. 684 | An Act To Provide Health Coverage for Smokers Who Suffer from Smoking-related Illnesses |

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

Sincerely,

S/Sen. Michael Brennan
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

The Following Communication: S.C. 243

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

May 15, 2003

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

Dear President Daggett and Speaker Colwell:

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

- L.D. 4 An Act to Protect the Waters of the Saco River

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Matthew Dunlap
House Chair

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

The Following Communication: S.C. 244

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

May 12, 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 bills out "Ought Not to Pass":

- | | |
|----------|---|
| H.P. 725 | Joint Study Order To Examine the Issue of Health Insurance Mandates |
| L.D. 889 | An Act To Establish a State Single-payor Health Insurance Plan |

L.D. 1540 An Act To Implement the Recommendations of
the Health Care System and Health Security
Board

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Christopher P. O'Neil
House Chair

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

The Following Communication: S.C. 245

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

May 19, 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 bill out "Ought Not to Pass":

L.D. 920 An Act To Establish a Penalty on Gains from
the Sale or Exchange of Land from Which
Timber Has Been Harvested

We have also notified the sponsor and cosponsors 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.**

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An
Act To Amend the Laws with Regard to Legislative Reports on
Children's Mental Health Services"

H.P. 1082 L.D. 1477

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.

The Committee on **HEALTH AND HUMAN SERVICES** on
Resolve, Regarding Legislative Review of Chapter 120: Release
of Information to the Public, a Major Substantive Rule of the
Maine Health Data Organization (EMERGENCY)

H.P. 1118 L.D. 1527

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.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An
Act To Amend Laws Relating to Development of Service Plans for
Persons with Mental Retardation"

H.P. 1166 L.D. 1593

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

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

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

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Resolve, Authorizing Certain Land Transactions
by the Department of Conservation, Bureau of Parks and Lands
H.P. 1141 L.D. 1558

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-432).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**.

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

READ ONCE.

Committee Amendment "A" (H-432) **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 Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

H.P. 1101 L.D. 1508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-423)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-423)**.

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

READ ONCE.

Committee Amendment "A" (H-423) **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 Revise Certain Provisions of Maine's Fish and Wildlife Laws" (EMERGENCY)

H.P. 1087 L.D. 1482

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-422)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-422)**.

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

READ ONCE.

Committee Amendment "A" (H-422) **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 Clarify that the Unauthorized Sale of Public Records Is a Crime"

H.P. 1062 L.D. 1454

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-417)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.

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

READ ONCE.

Committee Amendment "A" (H-417) **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 Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks" (EMERGENCY)

H.P. 1128 L.D. 1539

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-419)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-419)**.

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

READ ONCE.

Committee Amendment "A" (H-419) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Change the Membership of the Review Team for Aversive Behavior Modifications for Persons with Mental Retardation or Autism"

H.P. 1083 L.D. 1478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.

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

READ ONCE.

Committee Amendment "A" (H-411) **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 Clarify the Filing of Municipal Personal Property Tax Liens"

H.P. 965 L.D. 1311

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-415)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415)**.

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

READ ONCE.

Committee Amendment "A" (H-415) **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 Clarify the Duties of Conservators"

H.P. 617 L.D. 840

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-418)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**.

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

READ ONCE.

Committee Amendment "A" (H-418) **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 Regarding Filing and Certification Fees"

H.P. 790 L.D. 1072

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-416)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416)**.

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

READ ONCE.

Committee Amendment "A" (H-416) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington

H.P. 1130 L.D. 1541

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-431)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-431)**.

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

READ ONCE.

Committee Amendment "A" (H-431) **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 Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04" (EMERGENCY)

H.P. 1052 L.D. 1433

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-427)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-427)**.

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

READ ONCE.

Committee Amendment "A" (H-427) **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 Make Minor Substantive Changes to the Tax Laws"

H.P. 1075 L.D. 1470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-421)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-421)**.

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

READ ONCE.

Committee Amendment "A" (H-421) **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 Regarding Distribution of Tobacco Products"

H.P. 1160 L.D. 1587

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-408)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**.

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

READ ONCE.

Committee Amendment "A" (H-408) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Restrict Use of Auto Dealer Plates"

H.P. 745 L.D. 1028

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-429)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**.

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

READ ONCE.

Committee Amendment "A" (H-429) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities"

H.P. 1036 L.D. 1414

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-428)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**.

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

READ ONCE.

Committee Amendment "A" (H-428) **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 Facilitate E-9-1-1 for Multiline Telephone Systems"

H.P. 1056 L.D. 1444

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-425)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)**.

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

READ ONCE.

Committee Amendment "A" (H-425) **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 Amend the Charter of the Baileyville Utilities District" (EMERGENCY)

H.P. 1182 L.D. 1608

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

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

READ ONCE.

Committee Amendment "A" (H-424) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Peer Support and Advocacy Services To Participants in the ASPIRE-TANF Program and the Parents as Scholars Program"

H.P. 655 L.D. 878

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-398)**.

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
DUGAY of Cherryfield
CURLEY of Scarborough
WALCOTT of Lewiston
LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:

WESTON of Waldo

Representatives:

CAMPBELL of Newfield
LEWIN of Eliot

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-398)**.

Reports **READ**.

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

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

Senator **WESTON:** Thank you, Madame President, ladies and gentlemen of the Senate. This bill represents a problem that I think the solution is one that could have a remedy itself. We were presented with TANF and Aspire recipients who claimed they were not being given proper information by their caseworkers and were not being given information that could lead them to better decision-making. The Department of Human Services response was to turn that responsibility over to volunteers and create another bureaucratic level, a support group. I think that a support group would probably be beneficial to both those giving and receiving, but I do not think that the legislature should be requiring it in statute. The time spent that this bill would require by the department, could be better spent asking the very caseworkers, whose job this is, to do a better job. These are people who are knowledgeable, have been trained, and who are being given a salary to help these recipients. What we heard was that this is not happening. The department's response is not to make sure that these people, who are being hired to do this job, do it well. Instead, they are putting a second layer between the TANF recipient and the caseworker. That is happening on an informal basis now. I think the best thing that could happen is for our caseworkers to be reaching out, knowledgeably, to each one of these recipients and helping them through this process. I ask you to not support this bill and allow the department to do the job they are required to do. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. While I appreciate the comments of the good Senator from Waldo, Senator Weston, I respectfully disagree. This is a very straightforward bill and was worked by the committee. It was brought forward by the sponsor, and we asked the sponsor to go and work with the Department of Human Services. The Department of Human Services came back with an agreement. There was an amendment adopted by the committee.

What this bill simply does is establish, on a demonstration project, a peer support program for TANF recipients. The testimony that we heard was that sometimes people who are in the TANF program have difficulty working with their case manager, from the perspective of having a colleague type relationship. All this bill does is establish a demonstration project

where other peers will be working with people in the TANF program to provide support for them and to provide information to them. It hardly creates a new bureaucracy. It hardly takes away the role of the case manager, at this particular point. It simply sets up a demonstration project to allow peers, who have been in the TANF program, to work with other people that are coming into the program to assure that they get the appropriate support and appropriate information. I wholly support the majority Ought to Pass report.

Senator **DAVIS** of Piscataquis requested a Division.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I don't know what your definition of bureaucracy is, but this particular program will require a training program, a management team set up in 4 areas, and it will require regular meetings with management. This is a level of bureaucracy that is going to take time away from those very management people, the employees, and the caseworkers, who should be working individually with the recipients. I would rather that happen. That those recipients have one-on-one with a knowledgeable caseworker instead of having the caseworkers become managers of a program.

At the request of Senator **DAVIS** of Piscataquis a Division was had. 18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-398) **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 **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland

H.P. 1105 L.D. 1512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-370).**

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York
GILMAN of Cumberland

Representatives:

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

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick

(Rep. SUSLOVIC of Portland, abstained.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370).**

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

READ ONCE.

Committee Amendment "A" (H-370) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator BRYANT for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Concerning the Animal Health and Disease Control Laws"

S.P. 542 L.D. 1583

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-187).**

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

READ ONCE.

Committee Amendment "A" (S-187) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Equity in Mortgage Volume Fees"

S.P. 310 L.D. 969

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

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

READ ONCE.

Committee Amendment "A" (S-186) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Transfer Speech Pathologist Licensure Functions to the Department of Education"

S.P. 330 L.D. 989

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

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

READ ONCE.

Committee Amendment "A" (S-185) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Motor Vehicle Franchise Law"

S.P. 425 L.D. 1294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-184).**

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

READ ONCE.

Committee Amendment "A" (S-184) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Minor Changes to the Required Law Enforcement Policies"

S.P. 532 L.D. 1573

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-203).**

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

READ ONCE.

Committee Amendment "A" (S-203) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DOUGLASS for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School"

S.P. 96 L.D. 262

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

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

READ ONCE.

Committee Amendment "A" (S-189) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Encourage the Use of Generic Drugs"

S.P. 111 L.D. 329

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-191).**

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

READ ONCE.

Committee Amendment "A" (S-191) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents (EMERGENCY)

S.P. 193 L.D. 553

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-182)**.

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

READ ONCE.

Committee Amendment "A" (S-182) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Health Risks Associated with Latex Gloves"

S.P. 262 L.D. 767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-177)**.

Report **READ**.

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

Off Record Remarks

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Amend the 2-year Qualified Medicare Beneficiary Eligibility Rule Relative to Medicare Supplement Insurance Access

S.P. 299 L.D. 903

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-199)**.

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

READ ONCE.

Committee Amendment "A" (S-199) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Maine Developmental Disabilities Council"

S.P. 371 L.D. 1099

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-183)**.

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

READ ONCE.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Life Safety Requirements for Residential Care Facilities"

S.P. 418 L.D. 1287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-192)**.

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

READ ONCE.

Committee Amendment "A" (S-192) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Public Access to the Prior Authorization Process"

S.P. 419 L.D. 1288

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

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

READ ONCE.

Committee Amendment "A" (S-197) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Extend Licensing Periods for Agencies Providing Mental Health Services"

S.P. 494 L.D. 1488

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-198).**

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

READ ONCE.

Committee Amendment "A" (S-198) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator PENDLETON for the Committee on **JUDICIARY** on Bill "An Act To Protect Critical Homeland Security Information"

S.P. 541 L.D. 1582

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

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

READ ONCE.

Committee Amendment "A" (S-190) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act To Amend the Laws Relating to the Maine State Retirement System"

S.P. 501 L.D. 1501

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-179).**

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

READ ONCE.

Committee Amendment "A" (S-179) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs"

S.P. 521 L.D. 1552

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-180).**

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

READ ONCE.

Committee Amendment "A" (S-180) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator MAYO for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees"

S.P. 151 L.D. 433

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

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

READ ONCE.

Committee Amendment "A" (S-188) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002"

S.P. 492 L.D. 1486

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178).**

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

READ ONCE.

Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator MAYO for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify that the Maine Military Authority Is Part of the Military Bureau" (EMERGENCY)
S.P. 516 L.D. 1537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-181)**.

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

READ ONCE.

Committee Amendment "A" (S-181) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Animal Welfare Laws"
S.P. 520 L.D. 1545

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

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
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:
HONEY of Boothbay

Reports **READ**.

Senator BRYANT of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend and Improve the Education Laws"
S.P. 538 L.D. 1577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-201)**.

Signed:

Senators:

DOUGLASS of Androscoggin
BRENNAN of Cumberland
MITCHELL of Penobscot

Representatives:

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

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

Signed:

Representative:
FINCH of Fairfield

Reports **READ**.

Senator DOUGLASS of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201)** Report.

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

Senator **DOUGLASS**: Madame President, I wish simply to put on the record, for the benefits of members of the Senate, that this what is called the omnibus bill that Education Department puts forward every year to make minor corrections. In this bill, there are provisions that update our laws with regard to the definition of the homeless and also those who receive special education services. There is one item in the special education services that I wanted to point out. That is that at one time we had a classification called serious emotional disturbance. That was a label that many people who are receiving services, both students and their families, had great difficulty with. It was preferable to them to have the category be called emotional disability. I wanted to just let the body know that the language is the same, in terms of getting federal funding, but the label is now emotional disability. That was accepted and has been used for a period of time by the school facilities without incident. Therefore, I recommend passage of this bill. Thank you.

On motion by Senator **DOUGLASS** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-201) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Against Unfair Prescription Drug Practices"

S.P. 194 L.D. 554

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

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
WALCOTT of Lewiston
LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SHIELDS of Auburn
DUGAY of Cherryfield
CURLEY of Scarborough
CAMPBELL of Newfield
LEWIN of Eliot

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Abortion Consent Laws"

S.P. 277 L.D. 798

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
RICHARDSON of Brunswick
MILLS of Farmington

(Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.)

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-194)**.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

BENNETT of Caribou
SHERMAN of Hodgdon
CARR of Lincoln
DUPREY of Hampden
BRYANT-DESCHENES of Turner

Reports **READ**.

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

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prohibit Discrimination in Housing"

S.P. 287 L.D. 892

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

BENNETT of Caribou
MILLS of Farmington
SHERMAN of Hodgdon
CARR of Lincoln
DUPREY of Hampden
BRYANT-DESCHENES of Turner

(Representative **LORING** of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.)

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-193)**.

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
RICHARDSON of Brunswick

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify the Definition of Independent Expenditures Under the Election Laws"

S.P. 402 L.D. 1196

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

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-206)**.

Signed:

Senator:

MAYO of Sagadahoc

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205)** Report.

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

Senator **BENNETT**: Thank you, Madame President. I rise to support the motion by the Senator from Kennebec, Senator Gagnon. This proposal before us will, in my view, fulfill the promise of the Clean Elections Act by closing the loophole that has troubled the act since its passage. I congratulate the committee for working in a bipartisan fashion in order to close this troubling loophole that has alluded heretofore, due to constitutional issues, the effective work of the legislature. I know that there is a minority report here, but I understand further that the two proposals, both Ought to Pass reports, differ in rather small ways. The essence of this report is maintained in the committee majority report, which has been achieved in a very deliberative, thoughtful, and cooperative fashion. I encourage your support of the pending motion.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I just want to also echo the words of the good Senator from Oxford, Senator Bennett. This bill was my bill and I'm very tickled that people worked so hard to come to some good agreement. I think all of us will benefit and I deeply appreciate the work of the committee. Thank you.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-205) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Strengthen the Energy Resources Council" S.P. 233 L.D. 669

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

Signed:

Senators:
HALL of Lincoln
YOUNGBLOOD of Penobscot

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

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

Signed:

Representative:
GOODWIN of Pembroke

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-200) **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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Equitable Treatment to State Employees" H.P. 1198 L.D. 1619

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

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

Bill "An Act to Amend the Charter of the New Portland Water District" (EMERGENCY) H.P. 1199 L.D. 1620

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

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

ENACTORS

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

Emergency Measure

An Act To Encourage Agricultural Cooperative Associations To Provide Group Health Plans

H.P. 381 L.D. 492
(C "A" H-336)

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.

Emergency Measure

An Act Concerning Representation of the State in Disclosure Hearings

H.P. 1031 L.D. 1404

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.

Emergency Measure

An Act Regarding School Bus Contracts

H.P. 1146 L.D. 1564
(C "A" H-364)

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.

Off Record Remarks

Emergency Measure

An Act To Make Filling Out-of-State Prescriptions for Schedule II Drugs More Convenient

H.P. 1151 L.D. 1578
(C "A" H-359)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Control Internet "Spam"

H.P. 210 L.D. 255
(C "A" H-70)

An Act To Amend the Laws Governing Minimum Lot Size

H.P. 512 L.D. 695
(C "A" H-349)

An Act Relating to Portable Classrooms for Certain Cases

H.P. 619 L.D. 842
(C "A" H-351)

An Act To Allow Smelt Fishing in Long Lake in Aroostook County

H.P. 637 L.D. 860
(C "A" H-341)

An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor

H.P. 661 L.D. 884
(C "A" H-366)

An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings

H.P. 776 L.D. 1058
(C "A" H-334)

An Act Regarding Riverine Impoundments

H.P. 840 L.D. 1137
(C "A" H-350)

An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities

H.P. 905 L.D. 1231
(C "A" H-292)

An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator

H.P. 917 L.D. 1243
(C "A" H-360)

An Act Concerning Disability Retirement Benefits under the Maine State Retirement System

H.P. 922 L.D. 1248
(C "A" H-355)

An Act To Amend the Laws Governing Agricultural Marketing and Bargaining

S.P. 413 L.D. 1282
(C "A" S-160)

An Act To Protect Young Drivers and Passengers

S.P. 477 L.D. 1439
(C "A" S-159)

An Act To Clarify the Appointment of Coguardians and Coconservators under the Probate Code

H.P. 1127 L.D. 1538

An Act To Ensure Equity for Active Retired Justices of the Supreme Judicial Court Who Perform Judicial Service
H.P. 1156 L.D. 1584

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 Clarify Eligibility in the Maine State Retirement System Life Insurance Program

H.P. 810 L.D. 1107
(C "A" H-363)

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

An Act To Improve the Ability of the Public Utilities Commission To Enforce State Laws, Rules and Requirements

H.P. 1088 L.D. 1483
(C "A" H-342)

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

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 Assist Regional Transportation Providers To Comply with the Booster Seat Law" (EMERGENCY)

H.P. 474 L.D. 644
(C "A" H-161)

In Senate, May 5, 2003, **PASSED TO BE ENACTED**, in concurrence.

RECALLED FROM THE GOVERNOR'S DESK pursuant to Joint Order, H.P. 1196, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161) AS AMENDED BY HOUSE AMENDMENT "A" (H-407)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HATCH** of Somerset, the Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

Acts

An Act To Provide "Any-deer" Permits to Permanently Disabled Nonambulatory Persons

S.P. 265 L.D. 786
(C "A" S-144)

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

An Act To Eliminate the Social Security Offset for Unemployment Benefits

H.P. 657 L.D. 880
(C "A" H-146)

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Preserve the Integrity of the Voting Process"

H.P. 334 L.D. 426

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Signed:

Senators:

GAGNON of Kennebec

LEMONT of York

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
BROWN of South Berwick
MOORE of Standish
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
LANDRY of Sanford

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

Signed:

Representatives:

GLYNN of South Portland
HOTHAM of Dixfield

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-403) AS AMENDED BY HOUSE AMENDMENT "A" (H-478)** thereto.

Reports **READ**.

Senator **GAGNON** of Kennebec 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.

Senator **PENDLETON** of Cumberland requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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 **JUDICIARY** on Resolve, To Create the Committee To Conduct a Review of the Board of Overseers of the Bar

H.P. 795 L.D. 1077

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
WOODCOCK of Franklin

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
RICHARDSON of Brunswick
BENNETT of Caribou
MILLS of Farmington
CARR of Lincoln
BRYANT-DESCHENES of Turner

(Representative **LORING** of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.)

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-433)**.

Signed:

Representatives:

SHERMAN of Hodgdon
DUPREY of Hampden

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

H.P. 1158 L.D. 1586

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.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services (EMERGENCY)

H.P. 1161 L.D. 1588

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.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Regulate the Breeding and Sale of Guinea Pigs"

H.P. 902 L.D. 1228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-448)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)**.

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

READ ONCE.

Committee Amendment "A" (H-448) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Extend the Long-term Care Implementation Committee" (EMERGENCY)

H.P. 65 L.D. 57

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-443)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443)**.

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

READ ONCE.

Committee Amendment "A" (H-443) **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 Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

H.P. 66 L.D. 58

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-444)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-444)**.

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

READ ONCE.

Committee Amendment "A" (H-444) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Honor the Intent of Organ Donors"

H.P. 212 L.D. 257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-445)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445)**.

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

READ ONCE.

Committee Amendment "A" (H-445) **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 **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure Appropriate Care for Persons with Dementia
H.P. 793 L.D. 1075

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-446)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)**.

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

READ ONCE.

Committee Amendment "A" (H-446) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act"
H.P. 894 L.D. 1220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-447)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)**.

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

READ ONCE.

Committee Amendment "A" (H-447) **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 Increase Access to Information Regarding Referendum Questions"

H.P. 925 L.D. 1251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-449)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449)**.

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

READ ONCE.

Committee Amendment "A" (H-449) **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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Improve the Clean Election Option for Gubernatorial Candidates"

H.P. 964 L.D. 1310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-450)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**.

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

READ ONCE.

Committee Amendment "A" (H-450) **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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Preserve Public Access and Job Opportunities in the North Woods" H.P. 874 L.D. 1177

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

Signed:

Senators:

KNEELAND of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
SMITH of Monmouth
CARR of Lincoln
CHURCHILL of Orland
HONEY of Boothbay
FLETCHER of Winslow
EDER of 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-439)**.

Signed:

Senator:

BRYANT of Oxford

Representative:

PIOTTI of Unity

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

Reports **READ**.

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

On motion by Senator **SHOREY** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-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 PENDLETON for the Committee on **JUDICIARY** on Bill "An Act To Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001" S.P. 327 L.D. 986

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

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

READ ONCE.

Committee Amendment "A" (S-207) **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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the State Police Command Staff" S.P. 481 L.D. 1449

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

Signed:

Senators:

STRIMLING of Cumberland
HATCH of Somerset
CARPENTER of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-212).**

Signed:

Representatives:

SNOWE-MELLO of Poland
MAIETTA of South Portland

Reports **READ.**

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-211) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211).**

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter 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:

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

S.P. 49 L.D. 126

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

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

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

Pending - motion by Senator **BROMLEY** of Cumberland to **SUBSTITUTE THE BILL FOR THE REPORT**

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

(In Senate, May 7, 2003, on motion by Senator **BROMLEY** of Cumberland, **RECEDED** from **ACCEPTANCE** of the **MAJORITY OUGHT NOT TO PASS** Report. Same Senator withdrew her motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.)

On motion by Senator **BROMLEY** of Cumberland, **THE BILL WAS SUBSTITUTED FOR THE REPORT.**

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

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

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. I rise today to oppose this bill and request we vote Ought Not to Pass on it. This bill has many problems on many different levels. As you can see by the majority report, the Ought Not to Pass, the committee also saw this. In the years past, this committee has looked to reduce the number of members on all the boards. What we did was said there is a cost involved here, we do not need to have more members on the board, and we decided we would make a conscience effort to reduce the number on the board.

What this would do is increase the number of this board. It would also make it so that the opportunity would arise for a deadlock. Right now there are currently 8 members on the board with one non-voting. This would make it so you could have an opportunity for a deadlock. Also what this does is adds a labor union member onto the board. I really don't understand why we need to do that. There is no reason. There is nothing wrong with the board right now the way it is. The Governor has the opportunity, if he wants, to specify a member of the labor union, a member of management, anybody that he wants to put on, he can put them on. What we have done is create a special niche here, for a reason that was not explained to the committee appropriately, obviously, because of the Ought Not to Pass by the committee. It creates a special niche. The Chief Executive is, basically, forced to put someone on there, even someone he may not want to put on. I would ask for a division and ask that you vote Ought Not to Pass. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I appreciate the good Senator from Washington, Senator Shorey, comments on the bill. I have to say that the committee did have some concerns, initially, about adding members to the board. That was the reason for the Ought Not to Pass report. There was an amendment put on in the other body that substituted, took one person off and inserted a member of labor. The original bill is preferable, in our belief, to the amendment, which goes back to the original bill and adds the additional person from organized labor. Thank you.

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

Senator **SHOREY:** Thank you, Madame President. I would remind the body that the committee voted Ought Not to Pass on the original bill, not the amendment. Thank you.

Senator **BENNETT** of Oxford rose to a **POINT OF ORDER** as to whether the Bill was in compliance with Joint Rule 312, Fiscal Notes.

The Chair **RULED IN THE AFFIRMATIVE, THE BILL IS IN COMPLIANCE WITH JOINT RULE 312, FISCAL NOTES HAVING BEEN REPORTED OUT OF COMMITTEE AS AMENDED.**

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

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

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I raised the point of order earlier on this matter because I do believe that the Joint Rules are a little ambiguous about this and I certainly respect the President of the Senate in ruling the way that she did. Any one of us may have ruled that way as well. In my reading of Joint Rule 312, there are two conditions that require a fiscal note. The first is that the bill or resolve does, in fact, affect state revenues, appropriations, or allocations. The Office of Fiscal and Program Review have, in fact, showed that. Secondly, the other condition is that the bill has a committee recommendation, coming out of committee, other than ought not to pass or referral to another committee. In other words, I think these two conditions were, in fact, met. Although the committee amendment may not be before us at the present time, I think it's just a very bad precedent to set, whether or not the ruling was correct. I think it's a very bad precedent to set for us to engross bills without an acknowledgement of their fiscal impact. For that purpose, I would encourage you to vote to Indefinitely Postpone this bill.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Washington, Senator Shorey to Indefinitely Postpone the Bill and accompanying papers, in non-concurrence. 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 (#66)

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

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

ABSENT: Senator: **WESTON**

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **SHOREY** of Washington to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED.**

PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, May 21, 2003, at 10:00 in the morning.