

MAINE STATE LEGISLATURE

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

Volume II

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May 21, 2003 to June 14, 2003

First Special Session
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First Confirmation Session
October 30, 2003

Second Regular Session
January 7, 2004 to January 30, 2004

Second Special Session
February 3, 2004 to March 18, 2004

Pages 715 - 1415

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

In Senate Chamber
Thursday
May 22, 2003

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

Prayer by Reverend Dr. Sandra Reed, Bar Harbor Congregational Church, United Church of Christ in Bar Harbor.

REVEREND REED: Let us pray. Holy God, we pause this morning to seek Your presence and Your blessing in our work. Help us to have the wisdom to make informed decisions and the courage to stand for what is right and good. Open our ears to hear You speaking and our hearts to hear the needs of those whom we serve. Give to us the courage to make difficult decisions when we are faced with conflicting notions. Take away our pride, that we might admit when our idea is not the one that is needed. Help us to serve You by doing our work well and wisely. Give to us the grace to admit when we are wrong and humble minds and hearts not to gloat when we are right. May our deeds match our words and our actions match our prayers. We pray in Your mighty and merciful name. Amen.

National Anthem performed by the Adelines of Waterville High School.

Reading of the Journal of Wednesday, May 21, 2003.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Simplify Calculation of Legal Interest" (EMERGENCY)

H.P. 835 L.D. 1132
(C "A" H-393)

In Senate, May 16, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY HOUSE AMENDMENT "A" (H-488)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act Relating to Harness Racing Laws" (EMERGENCY)
H.P. 521 L.D. 704
(C "A" H-397)

In Senate, May 16, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397) AND HOUSE AMENDMENT "A" (H-479)**, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 573

STATE OF MAINE
121ST MAINE LEGISLATURE

May 21, 2003

Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on
Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on
Judiciary
121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Charles C. LaVerdiere of Wilton for appointment as a District Court Judge.

Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act To Implement School Funding Based on Essential Programs and Services"

S.P. 575 L.D. 1623

Sponsored by Senator DOUGLASS of Androscoggin.
(GOVERNOR'S BILL)

Cosponsored by Representative CUMMINGS of Portland and Senators: BRENNAN of Cumberland, MITCHELL of Penobscot, ROTUNDO of Androscoggin, TURNER of Cumberland, Representatives: LEMOINE of Old Orchard Beach, MILLETT of Waterford, MILLS of Cornville.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Ordered sent down forthwith for concurrence.

ORDERS

Joint Order

On motion by Senator **SHOREY** of Washington, the following Joint Order:

S.P. 574

ORDERED, the House concurring, that 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, and all its accompanying papers, be recalled from the legislative files to the Senate.

READ.

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

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. I'm requesting that we bring this back because I feel that we killed it in error. The original bill has been completely gutted, completely taken out. I view this very much as a regional bill, a bill that affects Washington County very heavily. What the amendment does is specifies two pills, Diacetylmorphine and Oxycodone. I would ask your indulgence and to bring it back. Thank you.

Pursuant to Joint Rule 404 a Division was had. 16 Members of the Senate having voted in the affirmative, and 17 Senators having voted in the negative, and 16 being less than two-thirds of those present and voting, the Joint Order **FAILED**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety"

H.P. 1131 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-487).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487).**

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

READ ONCE.

Committee Amendment "A" (H-487) **READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-487), in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Sinks in Eating Establishments"

H.P. 1171 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-484).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484).**

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

READ ONCE.

Committee Amendment "A" (H-484) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Amend the Laws Governing the Quality Child Care Tax Credit"

H.P. 923 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-480).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480).**

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

READ ONCE.

Committee Amendment "A" (H-480) **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 Improve the Procedure for Locating Runaway Children"

H.P. 713 L.D. 956

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

Signed:

Senator:
STRIMLING of Cumberland

Representatives:
MAIETTA of South Portland
GROSE of Woolwich
GREELEY of Levant
BLANCHETTE of Bangor
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-367)**.

Signed:

Senators:
HATCH of Somerset
CARPENTER of York

Representatives:
BUNKER of Kossuth Township
SYKES of Harrison
SNOWE-MELLO of Poland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Creating an Alternate Concealed Weapons Permit Process"

H.P. 813 L.D. 1110

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
GERZOFKY 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**.

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.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty"

H.P. 477 L.D. 647

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Signed:

Senators:
CARPENTER of York
KNEELAND of Aroostook

Representatives:

DUNLAP of Old Town
McGLOCKLIN of Embden
TRAHAN of Waldoboro
WHEELER of Kittery
WOTTON of Littleton
WATSON of Bath
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 "B" (H-390)**.

Signed:

Senator:

BRYANT of Oxford

Representatives:

RICHARDSON of Greenville
TOBIN of Dexter
HONEY of Boothbay

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY HOUSE AMENDMENT "A" (H-461)** thereto.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-390)** Report, in **NON-CONCURRENCE**.

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

Senator **CARPENTER:** Thank you, Madame President. This is an interesting bill. Actually it's been in effect for the past three years. It's a process whereby the municipalities may attempt to restrict watercraft within their municipal boundaries on ponds over ten acres. The amendment replaces the bill and establishes a process for the review of recommendations submitted by a municipality or the Maine Land Use Regulation Commission to restrict the use of watercraft on great ponds within the jurisdiction of that municipality. This amendment also prohibits the use of watercraft on Lake St. George in the town of Liberty. This bill has been in effect but was sunsetted, by law, about six months ago. We're left without a real process for taking care of this problem. The committee, in their esteemed thought process, decided to continue the bill, which had been on the books for two to three years. It worked well. This amendment will continue it without a sunset. It also had a public hearing on banning personal watercraft on Lake St. George in the town of Liberty, which we agreed should be. They have done everything that was required under the bill on the books. They did the hearing. They mailed out notices of a town meeting type of affair. Everything was done, so we included them, even though it was a little bit after the sunset in the bill. It really would help the committee if you

defeated the motion of Ought Not to Pass so we could go to the motion of Ought to Pass. Thank you.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. There may be some confusion, but the motion before us is Committee Amendment "B" (H-390), which is the actual problem that was brought to us by the town of Liberty around that one lake. I will say this, since we are discussing other amendments, we had a process five or six years ago that came out of the Great Ponds Task Force. For a period of time, we allowed municipalities to kind of create their own water restrictions on lakes. It's always been the state's responsibility. The great ponds are the responsibility of the State of Maine, not the municipalities. We had a process. We were having so many problems with jet skis that we felt that this would curb that. It did exactly that. It reduced all the complaints on PWCs and we sunsetted the system. I think it served its purpose. I don't think we need to reenact that. We did take care of the problem that they had. Committee Amendment "B" (H-390) does that. That is where we should leave it. The state should have jurisdiction over the great ponds. I would encourage you to vote for the pending motion. Thank you.

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

Senator **WESTON:** Thank you, Madame President, ladies and gentlemen of the Senate. I appreciate the work that was done on this bill. On each amendment, the ban for personal watercraft on Lake St. George stays intact. That means that each body has to pass the same amendment. If you don't mind my explaining a little bit of the process, because you, as a Senator, at some point will probably be asked by a constituent to help them with this problem. I can guarantee it.

The process that was in place requires that any community that is a part of this body of water agree. They have to have a public hearing. Their vote is to do this. They also have a mechanism of patrolling or enforcing this ban. That process is sunsetted. Our problem, when our constituents brought it to us, was the question of whether this means that every individual legislator has to bring a separate bill for every body of water. We were told yes.

This is going to require a separate process each and every legislative session. The committee took that under consideration. They looked at the good work that the town of Liberty did. They had a public hearing. They put an article on their warrant. They discussed it at town meetings. They passed this. They have purchased a boat and have an agreement with the County Sheriff's Office for a patrol. That process seems to work very well. What this amendment does is eliminate that process and says each time they must come back, through their legislator, and do it over and over.

I would ask you to defeat this motion so we can go on to solve the problem.

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

Senator **DAVIS**: Thank you, Madame President, men and women of the Senate. The first time I ran for the Maine Senate, the issue of personal watercraft or jet skis on lakes and ponds was a lot more controversial, a lot more in the news, than it is today. However, it appears that it is coming back a bit. That summer it became a big issue on Moosehead Lake. I attended a hearing in Greenville that summer because there were some people that did not like personal watercraft on Moosehead Lake. If you are familiar with Moosehead and the Greenville area, you know that Moosehead covers a number of organized towns as well as unorganized territories. The jurisdiction is in both organized towns and under the Land Use Regulations Commission. If you know anything about the character of Moosehead, you know that in Greenville there are a lot of folks who go to work every morning and come home at night after they've earned their paycheck. Most of those folk don't live on places like Sand Bar Island or Burnt Jacket, where there are \$300,000; \$400,000; or \$500,000 homes. In fact, I just learned of a company that a gentleman was the head of that just paid him \$47 million to retire. I don't speak of this disparagingly in any way. I'm sure he's added much to our livelihood. I have a lot of constituents that work at Guilford Industries, work with hardwood products, or work at some of the bed and breakfasts and restaurants in Greenville. They have kids. They buy a jet ski to take to Moosehead on Saturday morning. At that meeting that summer in 1998, the people from Burnt Jacket and other locations on Moosehead wanted to prohibit them. I thought the process worked well, because everybody had a chance to speak. Over time the offense of jet skis, in my mind, has gone down because the noise levels have been addressed. Technology has made them quieter. I think that the people who go to work in the morning and want to go to Moosehead are just as important as anybody else. They should be heard. I think this should go back to the law as it was. The towns all agreeing before it is shut down. I would ask that you vote against this motion and go on to accept the other motion. Thank you very much, Madame President.

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

Senator **BRYANT**: Thank you, Madame President, men and women of the Senate. I would just make a couple of points. I think the law, when it was in effect, did its purpose. It slowed down the complaints of PWCs. The other issue we have is who regulates the ponds that are 10 acres and more? The State of Maine. I will just put one other thing in. The bill, as presented, didn't have a public hearing on whether you are going to reinstate the Great Ponds Task Force or not. We had a public hearing on whether we wanted to allow personal watercraft on Lake St. George. I would just remind the body that this was the issue and Committee Amendment "B" (H-389) addresses that issue. I would encourage you to vote for the pending motion. Thank you.

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

Senator **NASS**: Thank you, Madame President, ladies and gentlemen of the Senate. I think I'm in my ninth year now of participating in the legislative process. I spend my summers going to Lake Association meetings. My district currently has about five highly developed lakes. A lot of people live on these

lakes. A lot of people have great expectations about what they can and can't do for their summertime enjoyment of the lakes. I will tell you that over time this is not just about jet skis. This is about boating, period. There have been times when jet skis have to come to the surface, but boating on these lakes is highly desirable. A lot of people put thousands of dollars into their boats and they have expectations about being able to use them.

The one benefit, when we passed this law, is that it set up a process for these people to deal with boating issues and it took it out of the state's hands. It allowed local officials and local lakefront owners to participate in the process. It allowed them to decide how their lakes were going to look in the summer, and who was going to be allowed to use them. If this body or the other body thinks that they would like to return to the days when the legislature was going to be in charge of deciding local lake issues, I think it's a huge mistake. We currently have a process that allows the local participants and the local municipal officials to participate and the Commissioner of Inland Fisheries and Wildlife to finally make the final decision about restrictions on lake usage. It is a much better system than we had before, where there was an expectation that the legislature would decide, on a lake-by-lake basis, what was going to happen in the summertime and who was going to use it, how they were going to use it, and other restrictions. Thank you, Madame President.

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

Senator **WOODCOCK**: Thank you, Madame President, ladies and gentlemen of the Senate. There was a time, not to long ago, when the property taxes on waterfront property were fairly minimal. It wouldn't have made any difference who regulated the personal watercraft or the watercraft use on the body of water. Today, it might not be unusual for the taxation of a waterfront property to increase the value of that property to the point where the taxes might be in the five digit area. I would point out that if the taxes on my waterfront property were in the five digit mark, I would like to have control of what was happening out my front window. Thank you.

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

Senator **MITCHELL**: Thank you, Madame President, ladies and gentlemen of the Senate. In response to our good Senator from Franklin, Senator Woodcock, I would say that if I owned waterfront property with a five digit tax, owned two personal craft, and I wanted the opportunity to use them on that lake, I certainly wouldn't want to be restricted and not be allowed to utilize my investment for recreation and leisure on that lake. I would also say that, in recognition of our Senator from Waldo, Senator Weston, we used to have many people coming to us with personal watercraft complaints. I would agree that we don't have that many because it's been recognized that they are not the hazard that they were in the past. They should all be compliant to boating laws. A watercraft is a boat. I'm a little confused because when we see House Amendment "A" (H-461), it actually states that this is going put an emergency preamble on this so that it would take effect sooner and Lake St. George would be able to enact this for the summer. It also includes operation type and permissible motor size and adds that to the amendment.

I would have a question, if I may, to anyone who may answer it, preferably the people in support of the Ought to Pass as Amended by Committee Amendment "B" (H-390). What would be the objection to this, other than the fact that it is giving it back to local municipalities, whereby people who own property would be able to go and present their case as to whether they were for or against? It should be based on boating laws. The problem is, if we have people coming into our state, and we are a tourism state, and they are bringing a boat with them, they should have the option of looking at a manual of boating laws and not have the confusion of whether it applies to this particular body of water or not. My understanding, from my peers, is that it is well posted at every public landing, what you can do with the boating laws. I would, again, ask the question, what is the opposition to House Amendment "A" (H-461)?

Off Record Remarks

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

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. I just wanted to respond to the good Senator from Franklin, Senator Woodcock. Just because they own property on the side of a lake does not mean that they own the water. That is an issue that is disturbing to a lot of us. Great ponds in the State of Maine belong to the people. They don't necessarily belong to the person that built the big mansion on it. I would just remind him of that. I would encourage you to vote for the pending motion.

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

Senator **DAVIS:** Thank you, Madame President. I couldn't agree more with my good friend from Oxford. The ponds and lakes of Maine do belong to all the people. In that I include the little people that I referred to earlier, the moms and dads that go to work everyday and buy jet skis so the Johnnie and Jane can ride on Saturday mornings on these beautiful lakes. I feel strongly that they should have a process where their voices are heard equally with those that have a better chance to get theirs' heard. Thank you.

Same Senator requested a Roll Call.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I would like to pose a question through the chair to the three Senators who sit on the committee. If you look at the title of the bill we are now discussing, it deals with an act to prohibit personal watercraft on Lake St. George in the town of Liberty. I'd be interested in knowing if there was testimony presented which dealt with anything but Lake St. George or was did testimony that was presented deal with the bill?

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-390) 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 (#77)

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

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

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-390)** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-389) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I question the germaneness of Committee Amendment "A" (H-389) to this bill. Committee Amendment "A" (H-389) deals with personal watercraft on Lake St. George and has been amended now with Committee Amendment "A" (H-389) to establish a process to review requests for regulating the use of watercraft on great ponds in Maine without a public hearing and in violation of the rules.

Senator **MARTIN** of Aroostook inquired if Committee Amendment "A" (H-389) was **GERMANE**.

TABLED pending **RULING OF THE CHAIR**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve,
Regarding Searches of Curtilage by Certain State Agencies
H.P. 920 L.D. 1246

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

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by
Committee Amendment "A" (H-489)**.

Signed:

Representatives:

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

(Representative LORING of the Penobscot Nation - of the House
- supports the Minority **Ought to Pass as Amended Report**.)

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.

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 "B" (H-470)**.

Signed:

Representatives:

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on
Bill "An Act To Require That Residential Customers Be Given
Contracts for Utility Line Extensions"

H.P. 275 L.D. 355

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
BLISS of South Portland
BERRY of Belmont
CRESSEY of Baldwin
RICHARDSON of Skowhegan

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

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.

Senate

Ought to Pass As Amended

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms"

S.P. 424 L.D. 1293

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-220)**.

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

READ ONCE.

Committee Amendment "A" (S-220) **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 Implement Federal Requirements in Child Protection Matters"

S.P. 551 L.D. 1597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-221)**.

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

READ ONCE.

Committee Amendment "A" (S-221) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/14/03) 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 14, 2003, by Senator **WOODCOCK** of Franklin

Pending - motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Division Requested)

(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 13, 2003, motion by Senator **MITCHELL** of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers **FAILED**.)

On motion by Senator **DOUGLASS** of Androscoggin, 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 (#78)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-239) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

HOUSE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform the Voting Members of Certain State Entities" H.P. 1029 L.D. 1402

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

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

Tabled - May 15, 2003, by Senator **BROMLEY** of Cumberland

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

(In House, May 14, 2003, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-358).**)

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

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

THE 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 talk a little bit about this bill. During my first session in the House, I was a member of the Business and Economic Development Committee, prior to Research being added to it. One of the biggest issues we had during that time was the MELA, MEA, and the whole situation of the state entities in education. What we did was create a board. It was basically designed so no party would have a controlling interest. It was a non-partisan issue, very much a non-partisan issue. It was decided that the Treasurer of the State should be a member of the board, but a non-voting member, so that the interests of the state were being look after, but because they didn't have a stake in it, they would not be able to vote on it because they were not receiving any funds. All the people that were voting on it received funds from this entity.

Here we are, four or five years later, and everybody seems to have forgotten. They think maybe this time we can slide this on through. Let's go ahead and do that. I think that is wrong. I think it's wrong because it was agreed upon as non-partisan issue at the time and I don't think it's a partisan issue now. I think what was agreed upon was fair at the time. Everyone thought it was fair at the time and was the right thing to do. I would ask you to vote against the pending motion and put this back where it should be, as a non-partisan issue and as an issue which was agreed upon five years ago. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President. Just a little bit of explanation for those of us who may not have been here during the times the good Senator from Washington, Senator Shorey, refers to. The removal of the Treasurer as a voting member was a part of the negotiation and the untangling of a mess. There was no testimony in opposition to this bill and agreed with the appropriateness of this. This bill amends the status of the Treasurer of the State from being a non-voting member to a voting member. Some of the testimony that we considered is that, given that the Treasurer of the State is the manager of the state's debt, the Treasurer is a voting member of all debt issuing authorities and is an independent representing the state, not necessarily representing the Executive, and also is an elected official. The majority of the committee saw no reason not to reinstate the Treasurer on this board. I urge you to support the majority committee report. Thank you.

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

Senator **BLAIS:** Thank you very much, Madame President. I would pose a question through the chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BLAIS:** My question is to the Senators who sit on the committee, I would inquire as to the name of the entity that is contemplated in this legislation? I recall that there was a sale at one time and am wondering if this is the board of NELNET? Thank you very much.

THE PRESIDENT: The Senator from Kennebec, Senator Blais poses a question through the Chair to anyone who may wish to answer. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bromley to Accept the Majority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#79)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

READ ONCE.

House Amendment "A" (H-358) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Protect Maine Families When Workplace Fatalities Occur" H.P. 368 L.D. 476

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-96)** (8 members)

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

Tabled - May 15, 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 14, 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-96).**)

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

At the request of Senator **WOODCOCK** of Franklin a Division was had. 18 Senators having voted in the affirmative and 16 Senators having voted in the negative, 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-96) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Improve the Operation of the Workers' Compensation Board"

H.P. 488 L.D. 658

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-57)** (8 members)

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

Tabled - May 15, 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 14, 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-57).**)

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

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

Senator **BLAIS:** Thank you, Madame President, ladies and gentlemen of the Senate. This bill, as amended by the majority report, would move approval for the Workers' Compensation System Board members from the Joint Standing Committee on State and Local Government to the Joint Standing Committee on Labor. While I believe that the members of the Labor Committee enjoy a friendly and cordial working relationship thanks largely to the leadership of our esteemed Senate chair, the number of divided reports that we have do establish a basis for the notion that this committee is prone to a certain partisan division.

Placing the approval of new Workers' Compensation System Board members with the Joint Committee on State and Local Government was part of the 1992 reforms that were designed to shield the approval process from the potential for partisan division. The committee amendment would move away from the

1992 reforms and is not supported by the minority. I would urge you to oppose the motion on the floor and maintain the integrity of the 1992 reforms. Thank you very much.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I appreciate the appreciation from my colleague. Thank you very much. I beg to differ nonetheless.

I think it's quite clear to those of us who have the honor of serving on the Labor Committee that we are able to hear the whole breadth of discussion about this very important part of our state government. Our concern all along has been that there are folks who have important work, which clearly needs to be done, that we don't get a chance to have any say in their confirmation. While I have no quarrels or arguments with the folks on the State and Local Government Committee because they have done a great job along the way, it seems to make much more sense to have all the things having to do with labor issues in front of the Labor Committee so we can make a complete and comprehensive determination. I hope you will join me on the majority Ought to Pass 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 think I have the distinct pleasure of not having been here in 1992 while this was taking place. I do understand that the process was long and the process was difficult. The best minds in this building that were here at that time were brought to bear. This is one of those reforms. I would urge you to keep that reform in place. I believe it has worked well for us.

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 pending question before the Senate is the motion by the Senator from Cumberland, Senator Edmonds to Accept the Minority 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 (#80)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, 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-57) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

SENATE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Membership of the Plumbers' Examining Board" S.P. 248 L.D. 710

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-157)** (8 members)

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

Tabled - May 15, 2003, by Senator **BROMLEY** of Cumberland

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

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

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 again on an issue which, I feel, is going to be reoccurring. It seems that something is going on here. What is this? Oh, another union member on a board. Gee. Why is it happening? That is a question I ask myself. I couldn't come up with an answer, or at least not one I could state here.

Right now there are 2,156 Master Plumbers in the State of Maine. There are 100 members of the labor unions that represent plumbers. That is a pretty narrow pool for the Governor to choose from. Basically what we are doing here is saying you can choose a union plumber to be on this board, but we don't think that you can find one good enough, so we're going to tell you that you have to do it. That is what we are saying in this bill. We are telling them that they can't find someone on their own that has the qualifications and belongs to the union. I don't think that is fair to the unions. I think what we are doing here is saying that, because you are a Master Plumber in a union, you can't get on a board on your own merits, so we have to tell them that they have

to let you on. That is the way I see this. I would urge you to vote against it. Thank you very much.

On motion by Senator **SHOREY** of Washington, 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 (#81)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

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

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-222) **READ**.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. All this amendment does is put an effective date of September 21, 2004 to the position. I just wanted to clarify this. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#82)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRYANT** of Oxford to **ADOPT** Senate Amendment "A" (S-222), **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157) AND SENATE AMENDMENT "A" (S-222).

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Specify the Public Status of Disputed Ballots" (EMERGENCY)

S.P. 27 L.D. 41

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-153)** (6 members)

Tabled - May 15, 2003, by Senator **GAGNON** of Kennebec

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

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

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise today to urge you to vote against the pending motion so that we may go on to accept the minority report.

This bill is simple. It requires the Secretary of State to make available for public inspection all disputed ballots arising from

election recounts. The ballots would be available for 60 days following the resolution of an election dispute. Why is this bill necessary? Currently, disputed elections are resolved by the appropriate elective body, which is as it should be. The idea behind leaving disputed elections to the legislature is that legislatures are accountable to the people at the next election. If a party decides a disputed election in a partisan manner, in theory, the voters can punish them at the next election. This only works if the people have the evidence to judge the conduct of legislators in deciding the election. The people are in the dark if they and the media do not have access to the ballots to judge whether the legislature made the right decision. This type of public review would end the rampant political posturing that often accompanies such disputes. It will ensure that disputed ballots are counted objectively in accordance with state laws and legal precedent.

Some may argue that this bill intends to violate the sanctity of the ballot or that there is a possibility that the voters' identity may be revealed if a public inspection is permitted. This bill, as amended, ensures that the ballots or copies of the ballots cannot be tampered with. The Secretary of State will take measures to ensure that each voters' identity is protected. The Secretary of State is authorized to adopt rules to administer this law. You have heard much discussion during the process that we would be violating the law. The law actually allows us, this body, to decide the display or non-display of disputed ballots. I would urge you, once again, to go on and defeat this motion so we may accept the other. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I would encourage you to support the pending motion. As you look at the L.D. number, L.D. 41, you will see that this is a very early bill. Unfortunately, we are brought back to that time when we had a very difficult time at the beginning of this Senate session. We had a lot of discussion about disputed ballots and the concept of having some type of big screen placed on the State Seal so we could all take a look at ballots. There was discussion about the people who voted those ballots, whose identity may or may not be protected, depending on who makes what marks and who can stand up and say, 'that was my ballot that I saw on television.'

The reality of the situation is that the voters go into a voting place thinking they are going to have privacy, not only during the vote, which they are assured of, but also after the vote. That is the concept behind the system that we have, known as the Australian ballot. It is something that I don't think we should be tinkering with. We do have reports from the Secretary of State that identify the ballot by number and by description, with a full description that is made available to the public. The concept that this is going to somehow resolve issues after the fact, or that there isn't going to be any kind of contentiousness after the fact, is just not true.

Let's make sure that we preserve the integrity of the ballot and the voter in this situation and that they be assured that they are not going to see their ballot on a television screen some evening, in which people are criticizing the way the person may or may not have voted or the way they understood or didn't understand the rules. They do not need to be faced with that situation. There is more to this than just winning a partisan

argument or trying to make some type of political hay out of a situation that can be viewed either way.

I got to see those ballots. There were things that were very unclear and there were things that could be read one way or the other. Without knowing what the law is, you might have a different interpretation than after you know exactly what the law is and what the courts have decided. I would encourage you to support the amendment and we can finally put this issue behind us and move on. Thank you, Madame President.

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

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

Senator **LEMONT:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to rise in opposition to the pending motion. As a member of the Legal and Veterans Affairs Committee, I'd like to give you a little bit of my insight on this legislation. When the bill was presented to the committee, I thought we had a very good bi-partisan bill that we could work with. Much to my disappointment, when the bill was taken in committee for a recommendation to the full Senate, it became very partisan. The reason I believe that we had a bi-partisan bill before us was that I, and the other 13 members of the Legal and Veterans Affairs Committee, am in possession of a press release dated November 20, 2002 generated by the good Senator from Lincoln, Senator Hall. I'd like to share a couple of the paragraphs with you that are germane to the bill before us.

The Senate Republican lawyers are making outrageous claims about the nature of these contested ballots, said Hall. The public has not seen these ballots, I have. The only way to demonstrate that I have clearly won is to allow the press access to these ballots. Hall said the Republicans should join him in asking the Secretary of State to release the ballots for public inspection. The Senate President was quoted today by the Associated Press by saying that someone else should look at the ballots to stare reality in the face. I couldn't agree more. Let's have an open inspection by the news media.

Those are certainly harsh words, but I would hope you would listen to the intent of the words by the good Senator from Lincoln, Senator Hall. This bill addresses the Senator from Lincoln, Senator Hall's concerns. It would have the disputed ballots available for public inspection at the Secretary of State's Office for 60 days after the election was resolved. It also goes further to protect the identity of the voter. That would be kept private.

I'd also like to share with you an editorial in the Portland Press, a newspaper I rarely agree with, but this time I happen to. On a side note, I actually subscribe to that newspaper and I don't know why. I think it's for the torment at some times, personal torment. I'm going to read the last two sentences in the editorial. 'Secretary of State, Dan Gwadosky, responded to a Freedom of Information Act request from Republicans by saying the law doesn't allow him to release copies of disputed ballots. That gives the legislature two important tasks. First, it should immediately release the copies of the disputed ballots to the public. Next it should change the law and make ballots public records.'

Here we have an opportunity to make these ballots a public record. I hope we can go on in a bi-partisan fashion to defeat the pending motion and pass the bill. Thank you, Madame President.

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

Senator **SAWYER:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm afraid the image that comes to my mind as we have this debate, for those who suggest the public can't see the ballot in question, reminds of Jack Nicholson sitting in front of a jury in the witness chair. When he was asked a question, his response was 'you can't handle the truth.' It strikes me that the people who are opposed to this are trying to tell us. We can't handle the truth. Thank you.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Called Ordered)

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-130)** (6 members)

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

Pending - motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report (Division Requested)

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

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

Senator **YOUNGBLOOD:** Thank you, Madame President, ladies and gentlemen of the Senate. This amendment, which was put together by this committee, replaces the entire bill. I expect many of you have been getting called by dentists saying not to do this. The oral health care of rural Maine is greatly in the hands of our hygienists today because of the shortage of dentists. It may be true in the urban areas as well. All this bill does, as it is amended very capably by the Business, Research and Economic Development Committee, is authorizes the dental hygienists to perform work under the public health supervision status with the direction of a dentist. Prior to this they had to get authorization

from the Dental Board. This allows them to merely tell the Dental Board that they are going to be doing it, that they will identify the dentist under whose direction they are going to be working when working in a public health supervision status. That is all this bill does. It doesn't let them go off by themselves. They still have to work under the direction of a dentist. They merely have to notify the board that they are going to be doing it, rather than asking permission. I would certainly urge your support for this bill as brought forth by that committee. Thank you.

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

Senator **BROMLEY:** Thank you, Madame President. I am grateful for the remarks from the good Senator from Penobscot, Senator Youngblood, and I agree totally. Just a couple of clarifications, for those that might be concerned. The dental hygienists came to us initially asking for a separate board and the committee did not, at this time, agree with that idea. The important piece to understand is that the hygienists doing this work, particularly in rural areas, are still under supervision by a dentist. We're simply suspending the need for them to request permission from the dental examining board. I urge you to support the pending motion. Thank you.

At the request of Senator **BENNETT** of Oxford a Division was had. 34 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-130) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/16/03) Assigned matter:

HOUSE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish a Moratorium on Genetically Engineered Plants" H.P. 893 L.D. 1219

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

Tabled - May 16, 2003, by Senator **BRYANT** of Oxford

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

(In House, May 15, 2003, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.)

(In Senate, May 16, 2003, Report **READ**.)

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

The Chair laid before the Senate the following Tabled and Later (5/16/03) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions"

S.P. 315 L.D. 974

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-161)** (8 members)

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

Tabled - May 16, 2003, by Senator **EDMONDS** of Cumberland

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

(In Senate, May 16, 2003, Reports **READ**.)

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

Senator **BLAIS:** Thank you, Madame President, ladies and gentlemen of the Senate. The proponents of this legislation assert that some surplus payments to private, self-insured workers' compensation trust funds were used to contribute to political campaigns. They are correct. They further would have us believe that a great conspiracy has been uncovered and that Maine workers, somehow, have been put in jeopardy. That is not true. In the interest of full disclosure, I want to make it clear that my non-tax payer funded campaign did receive a small contribution from one of the PACs that was partly funded with surplus trust money. I am grateful.

The self-insured workers' compensation trust funds in this state are highly regulated. That is to ensure compliance with all laws and ensure solvency. Unlike labor union trust funds, not a single penny in those funds was collected from workers. It all belongs to the Maine companies that participate in the funds, who also participate in the management of the funds through board representation. Those funds are legitimate business entities, with rights and fiduciary responsibilities protected and enforced by law. The managers of a trust fund have a responsibility to ensure the solvency of the fund, according to law, and they have responsibility to protect the assets of the fund to their best judgment. If that means that if they, as duly elected or appointed representatives of the companies that pay into the funds, chose to take surplus money from the fund to participate in a political process, that is a first amendment, free speech, right protected by the United States Constitution. It is a right no different than those exercised by the labor unions in this state, which maintain a variety of funds, raised through member dues and other contributions, that are drawn upon for political purposes.

All of the so-called evidence culled in regard to this matter was drawn from public records and public ethics filings. The

filings in regard to the names of the entities involved and the individuals involved in making decisions on how to spend excess funds is no more complicated than the sequacious and overlapping ownership of the various leadership PACs employed by people sitting on both sides of the aisle in this chamber. Not a single piece of evidence has been brought forward that any laws were broken or that money to used for claim settlements or administrative costs for the self-insurance plans were ever placed in jeopardy.

The authors of this legislation want to take more than \$100,000 from our general fund to pay for an investigator to spend two years auditing the trust fund and tax filings of 114 self-insurers and group insurers. That is \$100,000 of general fund money to be spent on a fishing expedition. That kind of expenditure is an insult to the people of Maine at a time when essential services are being cut and when we barely can raise a similar amount of money to investigate real, proven accounting irregularities, amounting to tens of millions of dollars, in the Department of Human Services.

I ask you to consider this expenditure carefully before going on record in support of this motion. This bill is an affront to both the right to free speech and fiscal responsibility, considering that no effort has been made to examine political spending by labor unions. This legislation smacks of partisanship. Moreover, it will change nothing. If we prohibit trust funds from exercising free speech rights using surplus money, the surpluses will simply be passed back to the participating companies and they will exercise their free speech rights. Please join me in opposing this \$100,000 fishing expedition.

Same Senator requested a Roll Call.

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, obviously, to ask you to accept the majority Ought to Pass as Amended report. I think the clearest thing I can say to you is that I have been on the Labor Committee for three years now and nearly every public hearing has something to do with workers' compensation. Maybe that is an overstatement, it just feels that way. Suffice it to say, there have been hours and hours of testimony about the workers' compensation system. I would wager that every time the notion of the Workers' Compensation Board comes before us there are lines of people who get up and basically say don't touch the trust fund. Whatever you do, don't touch the trust fund. Any kind of proposal that is raised to increase benefits, everybody gets up and says don't touch the trust fund. This is a delicately balanced thing that is about to cascade into the sea.

Yet, low and behold, it turns out it is not so delicately balanced. In fact, quite legally, people took money from the workers' compensation solvency trust fund and used that money for political purposes. Like I said, it is totally legal. I just don't think they should be doing this. Those trust funds are designed to have sufficient funds to cover projected injuries that have happened to Maine people while they are working. I just don't see any reason why that money should be used for anything but that purpose. There was some testimony that gave us information about the fact that a certain portion of it is used for administration. So be it.

I guess I'll go back to the statement that the good Senator from Kennebec, Senator Blais, made regarding the fact that if we were to pass this law then, in fact, the money would go back to employers and they would exercise their free speech rights. I say, go for it. Halleluiah. That is as is should be. The money that's been set aside for injured workers in Maine should remain money that is set aside for injured workers in Maine. If too much has gotten set aside, it goes back to the employers and they can do with it as they please. I just absolutely think this is an important public policy statement that we need to make. These compensation trust funds should remain for the people that they were set up to protect. I hope you will go forward and pass this motion so that we can address the question raised by the good Senator regarding the cost.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. This actually is a bill I've been waiting for all year. I begin my comments with those words because I was a sponsor of the original legislation that created the trust fund and created the ability for the state to have self-insurance for workers and large corporations in Maine. Little did I realize that these corporations and others would decide that they could use the money that was in the trust fund and would use it for political purposes. That was never the intent. Obviously, at some point some clever lawyer decided that this is a neat way to raise funds for political purposes. So be it. Should we close that loophole? Of course we should.

I don't know whether you are aware, most municipalities belong to a trust fund. The nursing homes in Maine belong to a trust fund. You could go on and on. Can you imagine if those trust funds, controlled by five people or so, were used the money for political or other purposes, what would be the reaction? If the money is not used and is not needed to pay for workers' compensation under the law, there is a method for which that money can be returned, whether to municipalities, individuals, or individual corporations. That is the purpose. That is the way the law is structured.

In the last political campaign, according to the report, the Chamber of Commerce trust fund contributed \$15,000. The manufacturers trust fund contributed \$15,000. The construction workers trust fund contributed \$15,000. The forest products trust fund contributed \$15,000. The distributors trust fund contributed \$18,650. These amounts were given to one political campaign organization. That was not the intent of the trust fund structure. When we drafted that legislation, the purpose of that was to make money available so that we would be able to lower the cost of workers' compensation with companies and for companies who knew that they could the job well and not be managed by the structure that existed under the law. Namely, the horrible method by which the department then handled workers' compensation and the national organization basically allowed rates to go on.

We felt at that time, almost 18 years ago, that we could take care and we could cut the costs of workers' compensation for employers who wanted to do a good job and ignore private carriers who basically had no interest in doing a good job. I want to point out exactly one of those. I don't know if they are back in the state or not, but I hope not. I had a company that was covered by one of those companies. We had a situation when an employee clearly, in my opinion, was not injured on the job. The

company told me that they wanted to get rid of it and was paying the lawyer \$8,000 and paid the individual another figure. Then they were done with the case when we, as an employer, wanted to fight that. I remember those days well.

That is why I was one of those that sponsored legislation to create the trust funds and to provide an ability for good employers, who wanted to treat their employees well, and at the same time provide the ability to lower the cost of workers' compensation to them. That is what the ability of the trust funds and self-insurance has been able to do in this state.

I don't care who they sponsored and whom they gave money to, what political party, what individual. It is dead wrong. If we don't shut it off, we are basically saying okay. Guess what, I might be the next one at the trough. You gave it to them, you give it to me, that kind of attitude. Is that what we want to set up? I don't believe so. I found on my desk today where one organization is going to have a banquet. It's sponsored by the Maine Merchant's Association Workers' Compensation Trust Fund. Why don't they have a picnic for legislators while they are at it, paid for by the trust fund? That is not the purpose of the trust fund. We ought to shut it off before they start giving to every organization in the state or the ones that they like or don't like. Remember, it is not the members who are making the decisions and giving, it is the board of directors of the trust fund. I just caution you as to what you are doing with that. I don't care what else we do about workers' compensation this year, we ought to make sure we stop the slush fund from whatever purpose that the directors of the individual trusts decide that they like to do. I am certainly pleased to see that the Senator from Kennebec, Senator Blais, requested a roll call so the people of Maine and the people who belong to the trust funds will know how every member in this body voted.

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

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. I was absolutely astounded when I found out that these trust funds were being used this last election period. It came to my knowledge shortly after the primaries and after the general election there were record checks. I spent six years on the Labor Committee and those six years as chair. Time after time we heard how there was no money so that the benefit levels could be raise for injured employees. We had thousands of calls. I have boxes full of letters at home from injured workers who are asking that they be given their rights. Then we find out that trust fund money was being used for political purposes. I was disgusted and dismayed. I can't imagine anybody knowingly taking that money. I'm not saying that I am holier than thou and that money doesn't get laundered. That is one of the reasons why I was a Clean Elections candidate this last time, so I wouldn't take any funds from anybody and I'd feel a little bit better about just taking \$5 from my constituents. Then this little notice came across my desk last week. I guess I passed it by when it was originally on my desk on March 26. Looking through it I saw where the Maine Merchant's Association sponsored this. They were having a banquet on trust fund money. That didn't shock me half as much as money being used for political purposes.

I'll move on to the second issue, as far as organized labor giving candidates money. I think they've given candidates money across the aisle when they suspected, in some shape or form, those candidates had an eye towards looking out for the working

people in this state. It wasn't just from organized labor, trust me. We've passed minimum wage bills. We've done all sorts of things here for the average working person. There is no organization that has to report more than labor unions. They are strictly enforced by the federal government. Our workers' trust funds are not. It's time that we did something. I'm tickled to death we're going to have a roll call. I thank you very much.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I'm also very pleased that there is a roll call on this issue. Last session, at the tail end of the legislature, we were debating a very contentious workers' compensation bill. It was fairly partisan, but not completely. I was quite passionate about the bill. It would have favored labor. Business owners were not pleased with me. During the discussion, during the debate, I got handed a note saying I'd better check out the internet before I voted. I went to the internet and found that there had been a \$100,000 pledged to a special PAC for my defeat. I found out later that the bulk of this money came from money that was designated and set aside for injured workers in this state. I love this vote. I love this roll call today. This is the organization that did some of the nastiest campaigning. They contributed to some of the nastiest campaigning in the last Senate race. Things that was just flat out untrue, and things that we have to change laws about today. Things that outraged the people in the State of Maine. Things that were going on in the State of Maine, not in some other place. Not in New Jersey, and not in New York. Some of the things that questioned peoples heritage, their morals, their values, and that stuff was being paid for with money that was set aside for injured workers in the State of Maine. I love the roll call, Madame President. Thank you.

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

Senator **STANLEY:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to rise today for one reason, to tell you something. I know 1,100 people who would love to have a trust fund that dealt with insurance. I know 1,100 people that do not have insurance because there is no trust fund established. I understand that it is a federal law. I understand that. The reason why I am standing up here today is to tell you that I have people that are getting bills from September and October. They paid their premium on insurance, but they have to pay the bill because the people who paid the premium on their insurance put the money back into the company. I don't agree with this, but I understand why they did it. The reason that I am standing up here today is to tell you the trust fund is made for a reason. It should be used for that reason and only that reason. The reason why I say that is because if there had been a trust fund established for the people in Millinocket, East Millinocket, and Medway area, the insurance would have been taken care of. There would not have been any problems, but that didn't happen. I know we have one established, so let's use it for the intent it was intended for. Let it be used for workers' compensation cases. Thank you.

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

Senator **BLAIS:** Thank you, Madame President. I feel like my hair has been shot back past my ears. Men and women of the Senate, I think that we have heard passionate arguments in regards to this issue today. There is no question in my mind. The thing that concerns me is that many of the arguments that we've heard today have nothing to do with the issue at hand. It sounds to me like the effort at hand here is to punish. That disappoints me. The entities that we are talking about are legal entities. They have free speech rights. They are governed in terms of the amount of money that is in those funds to satisfy the administrative costs of the funds. The money that we are talking about is surplus money. The businesses that paid into those funds have the right to use that surplus money as they chose. I am glad that we have a roll call vote today. I'm sure you will know how I will be voting in regards to this matter. Thank you very much, Madame President.

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

Senator **DOUGLASS:** Madame President, it's important to keep in mind that when we vote on bills, we vote on them not because they are an insult or because they are affront to someone. We vote on them because they are good government. This bill is all about good government. It's all about doing what we say we're doing. When we require the citizens who own businesses in Maine to provide workers' compensation insurance, or to have a trust fund, that is for the public good. That trust fund needs to be used for the purposes for which it was raised. That is workers' compensation purposes. If there are surplus funds, those need to be removed from that trust fund without question. Should we then be going on to charge those companies the same amount that produced that surplus? That is what this bill is about. It's about having the fund be used for the purposes for which it was established and using the money only for those purposes. Either those surplus funds should have gone back, as a rebate, to the companies that were then going to pay in another year or they should have been used as the contribution for the next year. There is absolutely no justification for using those surplus funds, though they may be surplus, for any purpose other than legitimate workers' compensation purposes. That is what this bill is about.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I, too, concur that this not an attempt to punish anyone. It is an attempt to do what we thought the law meant. I want to point out that the first trust fund established under the law that I was involved in was the Maine Forest Products. Its office was located in Jackman. Everyone said it was going to fail. Guess what? Six years after its creation we were returning money to the companies because we were able to keep the cost of workers' compensation down. The money didn't go to have a party. It didn't go to sponsor candidates. As a matter of fact, the rules of the organization specifically said that they could not do this. The money was returned to the individual companies and to individuals who were covered under the law. That was the intent. Somewhere along the way, a good attorney, and probably the one who ended up being one of the officers of the organization where all this money went in the last couple of years, was able to

figure out a neat way and convince others that they could divert money to help their friends or hurt their enemies. They didn't need to have the people who owned the money vote. Oh, no. Go back home and ask the people who belong to the Products Council, the Chamber of Commerce, for example that I specifically know, if they voted and you will get the answer, 'no.' The vote was taken by those directors who sit on the trust fund. Those are the people who voted because they had the legal ability to do so. They took care of it and they diverted the money. But let's not forget the purpose for which it was created and what it is called. It's called a trust fund. I don't think it was created for political purposes. That was never the intent. I certainly wish that we make it clear that it ought not to be in the future.

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 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 (#83)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-161) **READ**.

On motion by Senator **EDMONDS** of Cumberland, Senate Amendment "A" (S-213) to Committee Amendment "A" (S-161) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#84)

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

NAYS: Senators: SAWYER, TURNER

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ADOPT** Senate Amendment "A" (S-213) to Committee Amendment "A" (S-161), **PREVAILED**.

Committee Amendment "A" (S-161) as Amended by Senate Amendment "A" (S-213) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161) AS AMENDED BY SENATE AMENDMENT "A" (S-213)** thereto.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for 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 Revise and Amend Certain Public Health Laws" H.P. 1175 L.D. 1602

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)**.

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

READ ONCE.

Committee Amendment "A" (H-505) **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 Amend the Election Laws"

H.P. 1134 L.D. 1548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-496)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)**.

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

READ ONCE.

Committee Amendment "A" (H-496) **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 Amend the Maine Registry of Certified Nursing Assistants" H.P. 579 L.D. 780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-504)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504)**.

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

READ ONCE.

Committee Amendment "A" (H-504) **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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break" H.P. 775 L.D. 1057

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-404)**.

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
MAYO of Sagadahoc

Representatives:

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

BLANCHETTE of Bangor
CANAVAN of Waterville

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-404)**.

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

READ ONCE.

Committee Amendment "A" (H-404) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Change the Time Requirement for Mental Retardation Evaluations"

H.P. 1085 L.D. 1480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-471)**.

Signed:

Senators:

BRENNAN of Cumberland
WESTON of Waldo

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
WALCOTT of Lewiston
CAMPBELL of Newfield
LEWIN of Eliot
LAVERRIERE-BOUCHER of Biddeford
KANE of Saco

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

Signed:

Representative:

CURLEY of Scarborough

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-471)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-471) **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

Senate

Ought to Pass As Amended

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act To Expedite the Drilling of Private Drinking Water Wells"

S.P. 558 L.D. 1604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-224)**.

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

READ ONCE.

Committee Amendment "A" (S-224) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 Ensure Fairness in Elections"

H.P. 940 L.D. 1268

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

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
PATRICK of Rumford
BLANCHETTE of Bangor
JENNINGS of Leeds
LANDRY of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-438)**.

Signed:

Senator:

MAYO of Sagadahoc

Representative:

CANAVAN of Waterville

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

Reports **READ**.

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

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/19/03) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years

H.P. 1034 L.D. 1412

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-387)** (9 members)

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

Tabled - May 19, 2003, by Senator **ROTUNDO** of Androscoggin

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

(In House, May 16, 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-387)**.)

(In Senate, May 19, 2003, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-387) **READ** and **ADOPTED**, in concurrence.

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

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

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (5/19/03) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Require a Toll-free Telephone Number To Be Maintained by the Bureau of Unemployment Compensation" (EMERGENCY)
S.P. 39 L.D. 116

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-168)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 19, 2003, by Senator **EDMONDS** of Cumberland

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

(In Senate, May 19, 2003, Reports **READ**.)

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

Senator **BLAIS:** Thank you, Madame President, ladies and gentlemen of the Senate. It is a pleasure to be speaking first on these various issues. In a bi-partisan vote, just a few weeks ago, the Labor Committee allocated nearly \$2 million in Reed Act distribution money to fund an 800 line as part of a \$9.7 million package to update information systems, to increase efficiencies, and to improve services at the Bureau of Unemployment Compensation. That piece of legislation went under the hammer here recently.

L.D. 116 is a bill that has no purpose. It is unnecessary. Moreover, it is an affront to the good faith, bi-partisan support on the committee to take nearly \$10 million in money paid by this state's employers to fund system upgrades that will improve services for Maine workers who lose their jobs. In committee, I pointedly asked our Senate chair why this bill was being kept alive. I was told candidly, in that public forum, that the reason for reporting it was as a gesture to the Senator who sponsored it. Just a few days ago the majority amendment appeared and in an effort, I suppose, to give the bill some meaning, an emergency clause and an allocation section were added. Neither has any purpose. I spoke recently to the Republican Representative who joined the majority on this bill. He told me the majority amendment is not even close to the simple language change he supported when this bill was voted out of committee.

The emergency clause makes no difference, since the Bureau of Unemployment still can only implement the features of the 800 line in the context of the large system upgrades already approved. To implement the 800 line immediately, without appropriate telephony systems to support it, would cause severe staffing problems. We heard testimony from the bureau to that effect. If the bureau felt they needed an emergency clause on the distribution bill we passed unanimously they would have asked for it. They did not.

The allocation section of L.D. 116 committee amendment contains a clause that stipulates that it only applies if Reed Act money is otherwise allocated for the purposes of the 800 line. It was, and the allocation in this bill is redundant.

I may be a freshman, but I already have had many opportunities to benefit from the wisdom of my experienced colleagues on both sides of the aisles. One thing that was made clear early on is that it is simply bad public policy to be making a public law where none is needed. If there ever was such a case, the bill before you is it.

Same Senator requested a Roll Call.

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 say that I personally want to thank the good Senator from Oxford, Senator Bryant, for putting this bill in. He's put it in for at least two or three terms. He has been valiant in his efforts to get an 800 number for unemployment compensation claims. He has been dogged, and from my point of view, the fact that it appeared in the Reed Act Bill that we've already passed is due wholly to his efforts. I think the wording of the bill is slightly different. It means that the 800 number will go in effect more quickly. I think that is appropriate. I hope you will join me in supporting this motion.

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

Senator **BLAIS:** Thank you, Madame President, ladies and gentlemen of the Senate. I think we just heard confirmation that this bill has no purpose. I think I would like to call your attention to my testimony indicating that, if this bill were to pass, it would have no purpose in terms of the emergency clause because the bureau cannot implement this 800 line without going through some of the other system upgrades that they need to go through without causing severe staffing shortages. This bill has no purpose. I would hope you would join me in opposing the motion on the floor.

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 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 (#85)

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

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

ABSENT: Senators: BRYANT, LEMONT

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/03) Assigned matter:

SENATE REPORT - from 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

Report - **Ought to Pass Amended by Committee Amendment "A" (S-177)**

Tabled - May 20, 2003, by Senator **BRENNAN** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 20, 2003, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-177) **READ**.

On motion by Senator **BRENNAN** of Cumberland, Senate Amendment "A" (S-225) to Committee Amendment "A" (S-177) **READ** and **ADOPTED**.

Committee Amendment "A" (S-177) as Amended by Senate Amendment "A" (S-225) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-177) AS AMENDED BY SENATE AMENDMENT "A" (S-225)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/03) Assigned matter:

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Animal Welfare Laws"

S.P. 520 L.D. 1545

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-195)** (12 members)

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

Tabled - May 20, 2003, by Senator **BRYANT** of Oxford

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

(In Senate, May 20, 2003, Reports **READ**.)

Senator **BENNETT** of Oxford moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. If you support increasing fees by double for dog licenses then you will vote against my motion to indefinitely postpone and for the bill. If you support a massive increase in the license fees for dogs while all manner of other animals, such as cats, horses, and hamsters, remain unlicensed and untaxed, then you will vote against the motion to indefinitely postpone and for the bill. If you believe that our animal welfare functions ought to be paid for disproportionately by dog owners, then you will vote against my motion and for the bill. If you believe that the only 47% of compliance that we now have will not deteriorate further by this outrageous and unjustified increase in license fees, then you will vote against the motion and for the bill. However, if these items that I have suggested to you give you pause, please vote with me to kill this bill.

Same Senator requested a Roll Call.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I would just comment on this bill. This bill is an attempt by the Agriculture, Conservation and Forestry Committee to implement the red book, which is basically a study that the animal welfare program within agriculture has tried to put together over the last three or four years. It attempts to implement part of that. When you talk about staggering fees, talking about a fee of \$8 to register your dog, it is currently \$4. That price hasn't been raised in over 15 years. It is not only on dogs. We raised a minimal fee on a lot of other pet shops, other things that relate to animal welfare. There has been a large outcry in this state over the last three or four years that the Department of Agriculture in the State of Maine is not doing a prudent job of taking care of the animal welfare in this state. We've run into numerous times when the state has gotten a black eye for not being prepared, not having the ability, to respond to some of these situations that we've gotten ourselves into. The committee took a move towards implementing at least half to two-thirds of the red report. They did it without the ability to tax pet food and other places where people wanted to go because we didn't want to levy a tax. So we used some fees that we felt were prudent. I would also remind the body that this bill has been worked a long time in committee and we have had numerous workshops on it. It was an 11 - 1 report out of committee. So I would encourage you to vote against the pending motion so we can get back to the Ought to Pass report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#86)

YEAS: Senators: BENNETT, BLAIS, CARPENTER, CATHCART, DAMON, DAVIS, GILMAN, HATCH, LAFOUNTAIN, MITCHELL, NASS, SAVAGE, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

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

ABSENT: Senator: LEMONT

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#87)

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

NAYS: Senators: BENNETT, BLAIS, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, GILMAN, KNEELAND, LAFOUNTAIN, MITCHELL, NASS, SAVAGE, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: LEMONT

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/20/03) Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Amend the Abortion Consent Laws" S.P. 277 L.D. 798

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-194)** (6 members)

Tabled - May 20, 2003, by Senator **TREAT** of Kennebec

Pending - motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 20, 2003, Reports **READ**.)

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

Senator **GILMAN:** Thank you, Madame President, men and women of the Senate. I rise today in opposition to the Ought Not to Pass motion on L.D. 798. L.D. 798 proposes to amend existing laws. I have distributed a copy of the current law to each of you today. It should be on your desk. I will refer to 2-C, the doctor is required to give the particular risks associated with her own pregnancy and the abortion technique to be performed. In abortion clinics across the state there is inconsistent and very limited information being given to women today. This bill simply amends the law to add information regarding the risks associated with abortion that presently women are not getting. It allows for the woman to be given a brochure of the risks of abortion to take home and reflect on this very important decision. They then come back in 24 hours. This follows similar legislation that was enacted recently in regards to dentists giving us a brochure of the risks of having a tooth filled, possible allergic reactions. I also have distributed a handout this afternoon that has pertinent information about this. The brochure can also be given to the woman by either a social worker, a nurse, or a physician assistant. All it does is entrust women with the information they need in order to make an educated decision about what is the right choice for them. This amendment does not remove choice. The amendment also allows for the woman to be provided with the name of the doctor who will be performing this procedure.

Some will claim that this bill is unnecessary because current law provides that women receive some information about the procedure. However, eight post-abortive women testified at the public hearing that the information they were given was very limited. I also have a document signed by seven OBGYN RNs from Maine Medical Center of this fact. These nurses stated that they are very concerned that women are not being adequately informed. There are 21 states that already have this legislation in place with others soon to follow. I have the volume of these laws right here on my desk.

We had an actress, Charnette Messe, and her husband, a medical doctor, Tom Messe, come from Connecticut to testify of Charnette's personal struggle after having an abortion. She had

an abortion at age 20, breast cancer at 30, and the day after she was diagnosed with cancer, discovered she was pregnant. She gave birth, prematurely, to a beautiful son, who is now six months old. Charnette has been on *Oprah* and on the cover of a leading medical magazine. She has a full page photo in *Rosie* magazine. She and her husband have definitely found the proven link of the abortion, breast cancer, and the premature birth. They submitted a very prestigious document, the Elliot Report. This was complied by leading OBGYN, psychiatrists, and psychologists in this country. There are at least 25 risks recorded in this document. Among them are breast cancer, premature birth, sterility, and a compromised cervix. There are many more. It goes on and on. Depression, grieving, and suicide. We had a law professor, Dwight Duncan, a graduate of Harvard University, testify of the constitutionality of the amendment, L.D. 798. Also, a very convincing group came forward and testified at the hearing. They were Feminists for Life. They gave very compelling testimony of their stand on the affects of abortion on women.

This issue crosses party lines. People on both sides of the aisle stand together in a concerted effort to see that women of Maine receive the information needed to make an educated and informed decision. If we truly care about women, why would we not chose to give them all the information needed to help them with this important decision? This legislation has been brought forward because women have decided to be silent no more. Maine women deserve better.

Once again, I urge you to vote against the pending motion so we can go on to pass the Ought to Pass report. Thank you.

Same Senator requested a Roll Call.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. As the good Senator from Cumberland, Senator Gilman, has mentioned, this is not a matter of eliminating personal choice, it's a matter of ensuring that women receive the information they deserve to make an informed decision about their health. As much as the opposition will claim that the present laws are adequate, women are simply not being given the complete information they need to make an informed decision. This is a choice of informed decision. It is not a matter of whether or not we're eliminating or approving abortions. It is solely a matter of whether or not we are making an informed decision prior to the abortion being performed. Thank you.

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

Senator **PENDLETON:** Thank you, Madame President, men and women of the Senate. This issue comes to us every couple of years. It's always an emotional issue and a very difficult issue for all of us. However, I will point out to you that the majority of the committee felt that this piece of legislation, at this particular time, is not necessary. This legislation will come to us as long as we don't have a way of preventing pregnancies, I imagine.

However, I do need to point out something that I think is very important. The relationship between a physician and a patient includes much private and personal discussion. Even the Maine Medical Association opposes any legislation or regulatory interference with this relationship. I suppose if we pass this law,

what will happen is a woman would make an appointment with a physician to discuss the abortion. She would go in and discuss the procedure with the physician. She would be given written information or oral information and be required to come back in 24 hours for the procedure to be done. Right now, in Maine law, that has to be informed consent on any procedure, whether it's a tiny little procedure or a really massive procedure. We already have informed consent in place. I think that if we try to adjust this piece of legislation now, the way it is on the books with this bill, we will, in fact, just be interfering and regulating the patient-physician relationship. That is the reason I stand where I do on this piece of legislation. I hope that you will join me in voting for the majority Ought Not to Pass report.

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

Senator **GILMAN:** Thank you, Madame President. In respect for my dear colleague, the Senator from Cumberland, Senator Pendleton, I would like to rebut some of her comments. There is an informed consent given. I have it right here from Planned Parenthood. It specifies certain things that the woman could expect: bleeding, severe bleeding, infection, there could be some risk with the anesthesia, or the possibility of death, which is very much diminished in that report. It is estimated that there are 40 women who die every year from abortions.

Also, on the other comment that she made, the relationship with the doctor isn't present, from what I have heard post-abortive women tell me. They see a social worker when they go for the abortion. They only see the doctor when they are in the room, under anesthesia. They are given light anesthesia so they are awake. They only speak to a social worker. There is no relationship with a doctor, based on any testimony that I have ever gotten. I truly believe all of these women are giving me the facts as they experienced them. Thank you very much.

On motion by Senator **GILMAN** of Cumberland, 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 Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, ladies and gentlemen of the Senate. We place a high priority on disclosure. We want businesses to disclose everything in a contract clearly. We want telephone companies to disclose their rates clearly. We want our dentists to make sure that there is not just a verbal discussion as a part of your relationship with him. We actually debated for hours the fact that there needed to be something in print, something very clear. We passed a statute about that. We know that there are great risks involved in the kind of surgery that an abortion brings. We can do so much more for the women who are going to consider that. Give them the full disclosure. That's all this bill asks for. It is what we expect for a phone bill and for any contract. How much more should we support something that is going to bring a far greater catastrophe if they do not understand the risks and have the decision that they make based on facts?

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I don't think there is anything that I can add to this discussion that will change anyone's mind on the vote that we're going to take. I do feel that the doctors' relationship with the patient is paramount in this matter. As some of you know, I have a physician in my family. She is bound by the AMA code of ethics and informed consent is paramount in her mind. No doctor is going to undertake any treatment for anything with any patient without ensuring, in their mind as a physician, that the patient understands what they are going to be doing and the consequences of the action they will be taking. I think that has worked very well in Maine. It continues to work very well in a number of other places. I also believe strongly that there is not a person in this room who would not like to see the number of abortions in this country, or anywhere, driven absolutely to zero. As we continue to educate people and make progress, I think that we have made significant progress, continuing now. My figures may not be totally correct, but I believe if you go back a couple of decades in this country, we were performing in excess of 2 million abortions a year. Whether you are on the choice side of this matter or the life side of this matter, I think in many places, and many environments, people have come together to try to figure out how to reduce the need. I believe that is where our focus should be. Let's allow the physician and the patient to continue the relationship they have today on this matter and other matters. Thank you very much.

THE PRESIDENT: The Senator from Cumberland, Senator Gilman, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **GILMAN**: Thank you very much, Madame President. Again, I would like to address my colleague from Cumberland, Senator Turner. From the testimony I've heard from women, they have no relationship with the doctor. They don't see the doctor before or after. They don't even have the doctor's name. In our amendment, that is one thing we were asking for. The woman would have the doctor's name. I certainly agree with you, Senator, that we should have a good relationship with our doctors and I would hope that this action might help encourage that. Right now, today, in Maine, any woman that I have ever talked with has no relationship with the doctor. She only speaks with a social worker. Thank you very much.

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

Senator **MITCHELL**: Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of the excellent medical physicians, staff, and surgeons that we have in this great State of Maine. I applaud them for their efforts; the new technology that they have brought to us; the excellent health care that they give; for the many women's health clinics that have been opened throughout our state that we did not have a few years ago; and for the guidance that they are giving our women in health care. I would like to bring to the attention of the proponents of this bill that the American College of Obstetricians and Gynecologists, our Maine Medical Association, and the many doctors, a majority, follow the American Medical Association's code of medical ethics. The physician must enable the patient's

right to make his or her own determination and they must explain in full to the patient what this patient is going to undergo. They must recommend parental guidance and encourage that. I would say that we must encourage the majority Ought Not to Pass in this particular case and support our medical professionals that we have in this state and give them the credit and trust that we all put in our individual doctors and physicians. We must certainly applaud the effort of the improved women's health care with our Bureau of Health that we have now, with the Office of Women's Health, and the many clinics that have been opened in this state to assist us.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Pendleton to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#88)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MAYO, MITCHELL, PENDLETON, ROTUNDO, STRIMLING, TREAT, TURNER, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, DAVIS, GILMAN, KNEELAND, MARTIN, NASS, SAVAGE, SAWYER, SHOREY, STANLEY, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: LEMONT

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/20/03) Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Prohibit Discrimination in Housing" S.P. 287 L.D. 892

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

Minority - **Ought to Pass as Amended by Committee**
Amendment "A" (S-193) (6 members)

Tabled - May 20, 2003, by Senator **PENDLETON** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority
OUGHT TO PASS AS AMENDED Report

(In Senate, May 20, 2003, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#89)

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

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

ABSENT: Senator: LEMONT

20 Senators having voted in the affirmative and 14 Senators
having voted in the negative, with 1 Senator being absent, the
motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the
Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-193) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later
(5/20/03) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee**
Amendment "A" (H-403) (11 members)

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

Tabled - May 20, 2003, by Senator **GAGNON** of Kennebec

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

(In House, May 19, 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-403) AS AMENDED BY HOUSE
AMENDMENT "A" (H-478) thereto.)

(In Senate, May 20, 2003, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-403) **READ**.

House Amendment "A" (H-478) to Committee Amendment "A" (H-
403) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-403) as Amended by House
Amendment "A" (H-478) 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-403) AS AMENDED BY HOUSE
AMENDMENT "A" (H-478) thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later
(5/20/03) Assigned matter:

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee**
Amendment "A" (H-439) (2 members)

Tabled - May 20, 2003, by Senator **SHOREY** of Washington

Pending - motion by Senator **BRYANT** of Oxford to **ACCEPT** the
Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-**
CONCURRENCE

(In House, May 19, 2003, the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**.)

(In Senate, May 20, 2003, Reports **READ**.)

On motion by Senator **BRYANT** of Oxford, Bill and accompanying
papers **INDEFINITELY POSTPONED**.

The Chair laid before the Senate the following Tabled and Later (5/21/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices"

H.P. 106 L.D. 97

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-414)** (12 members)

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

Tabled - May 21, 2003, by Senator **DAVIS** of Piscataquis

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

(In House, May 20, 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-414)**.)

(In Senate, May 21, 2003, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-414) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/21/03) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program"

H.P. 635 L.D. 858

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-412)** (9 members)

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

Tabled - May 21, 2003, by Senator **STANLEY** of Penobscot

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

(In House, May 20, 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-412)**.)

(In Senate, May 21, 2003, Reports **READ**.)

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

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. I'm opposed to this bill for one very simple reason. This is a tax shift from urban communities to the rural communities. I happen to represent 13 rural communities who do not, and are not likely in the near future, to make use of TIFs for either economic development, or as in the current proposal in front of us, which is a new use for tax increment financing, for developing subsidized housing. The shift comes for economic purposes because as a community adds value to its assessed value it results in a reduction in state aid, municipal revenue sharing, general purpose aid, and in its county taxes since we use the state's equalized evaluation. For those communities that essentially are not adding value through a TIF structure, their share of those state subsidies are going to be reduced. That is the essence of my opposition to this. I thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President. In the Business, Research and Economic Development committee we understand access to workforce housing is an economic development issue. For that very reason I urge you to support this measure.

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

Senator **STANLEY:** Thank you, Madame President, ladies and gentlemen of the Senate. You would think that I would be on the other side of this legislation. At one point I kind of was. As time is going on and as my education of what development is going on in the State of Maine, I am aware there are areas in the State of Maine that need some housing. The reason why I am saying that is because I will go back to my Millinocket days, which I am still part of. I see the migration of people from Millinocket headed to the southern part Maine so they can have jobs. That is why I'm looking at this a little bit differently than I did two or three months ago. The problem that I see is that the people that I represent are migrating, which is a bad thing for my area. What I am trying to do, and why I am in support of this, is that these people are coming south and they have no place to stay. These people are not the people making \$700 or \$800 a week like they used to be. They are making \$280 a week on unemployment.

I know this is not going to help these people. I understand that. But I do know Maine. Maine has a lot of municipalities that are one horse towns. I call them one horse industry towns or one horse towns. There could be another area in the state that could go through the same thing that I, and the people I represent, have just gone through. This would allow them the opportunity to be able, when they have to migrate because of the job market, to live

in affordable housing so they can better themselves and start from scratch and move forward. That is basically why I'm in favor of this.

I know a TIF is a TIF and it doesn't create jobs, but what it does do is help the people that are looking for jobs. It gives them a chance to have their families with them and the opportunity to be able to live in a style, though not what they are used to. That is better living than trying to live from room to room, like a homeless person, or living with a friend here or a friend there. This makes it a little bit more affordable. Where I come from, a lot of people down here now are staying with relatives. They are going home on weekends and maintaining a home in Millinocket. This, to me, is not for the people I represent today, but for the people that some of you people represent later on in the future. I just think that it is time for us to take a look at the whole economic development and this is part of economic development. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. Just briefly, I do want to stand in wholehearted support of this bill. It really is an imperative tool to give communities, to be able to build more affordable housing. In response to the fine Senator from York, Senator Nass, regarding the issue about creating disproportion as to the GPA being returned to communities. I would like it clear that this is open to every community to be able to do. We had a number of bills that dealt with this issue. This is the one that Representative Mills brought forward. We felt it had the most comprehensive language to make sure that there was proper oversight, that it went to those areas that we most in need. I would very strongly encourage my colleagues to support this bill.

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

Senator **TURNER:** Thank you very much, Madame President, ladies and gentlemen of the Senate. I knew if I waited long enough I'd find a taxation matter that I was on the same side off as the Senator from Cumberland, Senator Strimling. That moment has finally arrived.

I think TIFs are good for economic development. I think it has been pointed out that it carves out that which is in the tax increment financing district so that you are not penalized with your education subsidy that comes from the state. That works for economic development for business purposes. I think it can help communities who often times have enough resistance in developing affordable housing. I would encourage that you join the good Senator from Cumberland, Senator Strimling, and myself on this matter. Thank you.

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

Senator **STRIMLING:** I'm very proud to be on the same side with the fine Senator from Cumberland, Senator Turner. I should say that the day that the fine Senator from York, Senator Nass, and I can be on the same side of a taxation issue, we will have made some real progress.

The Chair ordered a Division. 25 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-412) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (5/21/03) Assigned matter:

An Act to Ban Smoking in Beano and Bingo Halls

H.P. 186 L.D. 227
(H "B" H-309)

Tabled - May 21, 2003, by Senator **TURNER** of Cumberland

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, May 14, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-309)**, in concurrence.)

(In House, May 20, 2003, **PASSED TO BE ENACTED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#90)

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

NAYS: Senators: BLAIS, BRYANT, CARPENTER, CATHCART, DAVIS, GILMAN, HATCH, MITCHELL, NASS, SAWYER, SHOREY, WESTON, WOODCOCK

ABSENT: Senators: LEMONT, SAVAGE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (5/21/03) Assigned matter:

Bill "An Act To Allow Women Recovering from Childbirth To Be Issued Temporary Handicapped Parking Permits"
H.P. 766 L.D. 1049
(C "A" H-409)

Tabled - May 21, 2003, by Senator **WOODCOCK** of Franklin

Pending - motion by Senator **HATCH** of Somerset to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. (Roll Call Ordered)

(In House, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409).**)

(In Senate, May 21, 2003, Reports **READ**. Motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers **FAILED**. Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence. Rules suspended, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd request that you vote against the reconsideration. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#91)

YEAS: Senators: **BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LAFOUNTAIN, MITCHELL, NASS, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD**

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

ABSENT: Senators: **LEMONT, SAVAGE**

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **HATCH** of Somerset to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence, **FAILED**.

The Chair laid before the Senate the following Tabled and Later (5/21/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act Regarding Wrongful Discharge"
H.P. 820 L.D. 1117

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-265)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-266)** (5 members)

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

Pending - **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-266)** Report, in **NON-CONCURRENCE**

(In House, May 8, 2003, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265).**)

(In Senate, May 21, 2003, motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)** Report, in concurrence **FAILED**.)

On motion by Senator **EDMONDS** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/19/03) Assigned matter:

Bill "An Act To Establish the Pine Tree Development Zones Program"

S.P. 456 L.D. 1385
(S "B" S-146 to C "A" S-68)

Tabled - May 19, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 14, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "B" (S-146)** thereto.)

(In House, May 16, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY HOUSE AMENDMENT "A" (H-406)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "B" (S-146)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "B" (S-146)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED SENATE AMENDMENT "B" (S-146) TO COMMITTEE AMENDMENT "A" (S-68)** and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "C" (S-231) to Committee Amendment "A" (S-68) **READ**.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. After much tussling, turning, and spinning, we finally have been able to come up with an amendment that will accomplish what we want to accomplish without it costing us a position, yet still having the Department of Revenue Services involved with the decisions. I encourage you to allow us to get this on its way.

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

Senator **SAWYER:** Thank you, Madame President, ladies and gentlemen of the Senate. I voted against this bill when it first came before us, and I wish to now plead nolo and indicate that I've changed my mind. I continue to believe that economic development is not best accomplished by the addition of incentives. It's really not best accomplished by tax gimmicks, but by the removal of impediments. Even though I didn't think the original bill went far enough, I suppose, in the feelings of incrementalism, it's a step in the right direction. I continue to believe that this remains a bit like a bunch of thugs running around the state with baseball bats, hitting our neighbors over the head, and our response is to build 12 of the finest first aid centers we can imagine. We're not really solving the underlying problem. If we can't stop the thugs, at least we can have some great first aid. Thank you.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "C" (S-231) to Committee Amendment "A" (S-68) **ADOPTED**.

Committee Amendment "A" (S-68) as Amended by Senate Amendment "C" (S-231) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "C" (S-231) thereto, in **NON-CONCURRENCE**.

Sent down for 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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Reduce Legislative Salaries and Allowances"

H.P. 169 L.D. 210

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York
GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth
PEAVEY-HASKELL of Greenbush
STONE of Berwick
KETTERER of Madison
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-413)**.

Signed:

Representatives:

CROSTHWAITE of Ellsworth
SUKEFORTH of Union

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

Reports **READ**.

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

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Full Disclosure of Prescription Drug Marketing Costs"

H.P. 209 L.D. 254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-465).**

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
WALCOTT of Lewiston
CAMPBELL of Newfield
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
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-465).**

Reports **READ.**

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

Senator **TURNER** of Cumberland moved the Bill and accompanying papers be **TABLED** Unassigned, pending the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, 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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Disclosure of Retail Prescription Drug Prices"

H.P. 111 L.D. 102

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-463).**

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
KANE of Saco
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:

SHIELDS of Auburn
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 "B" (H-463).**

Reports **READ.**

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

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

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Patient Access to Medical Records"

H.P. 283 L.D. 363

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

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
WALCOTT of Lewiston
LEWIN of Eliot
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:

DUGAY of Cherryfield
CAMPBELL of Newfield
CURLEY of Scarborough

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

Reports **READ**.

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

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. This bill had a very good reason for being here. In my opinion, it could pose a problem that we might not want to have happen. Right now, if you need a copy of your medical records from your doctor or hospital and you request it, for the most part, they just copy it and give it to you. There are

occasions when there are huge amounts of copying needed in a lawsuit and a law firm asks for this 700 to 1,000 page report. They end up getting a very large bill for the photocopying. What this bill meant to address was to bring that fee in line. What will happen is every doctor and hospital will get notification that they will not charge any more than \$10 for the first page and 35¢ for every page thereafter. What will now happen is your individual constituents who need a copy of their medical records and who would have gotten it for nothing, will now have to pay. I couldn't support it because I think that is really going to be the end result. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I would like to clarify the comments made by the previous speaker. This would not require a physician to now charge for medical records. Medical records that are currently provided to people at no cost would continue to be provided at no cost. All this does is set an upper limit if, in fact, there is a charge. As the good Senator from Waldo, Senator Weston, pointed out, if you have an insurance case where there is a request for medical records that may be fairly lengthy. This adopts an upper limit as \$10 for the first page and 35¢ for each additional page. In fact, it adopts a standard that we currently use in workers' compensation cases. The committee thought this was a reasonable way of ensuring that when medical documents were needed, there would be a reasonable cost that would be attached to it. There is no expectation and there would not be any cost passed onto citizens from doctors if, in fact, they are not doing that charge now. Thank you very much.

At the request of Senator **WOODCOCK** of Franklin a Division was had. 20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

ENACTORS

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

Emergency Measure

An Act To Establish the Long-term Care Oversight Committee
H.P. 65 L.D. 57
(C "A" H-443)

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

Emergency Measure

An Act To Address Concerns Regarding the Breeding and Sale of Certain Small Mammals

H.P. 902 L.D. 1228
(C "A" H-448)

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.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04

H.P. 1052 L.D. 1433
(C "A" H-427)

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.

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

ENACTORS

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

Emergency Measure

An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law

H.P. 474 L.D. 644
(H "A" H-407 to C "A" H-161)

Comes from the House, **FAILED ENACTMENT**.

On motion by Senator **HATCH** of Somerset, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-226) **READ**.

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

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. All this amendment does is take off the emergency preamble.

On further motion by same Senator, Senate Amendment "A" (S-226) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161) AS AMENDED BY HOUSE AMENDMENT "A" (H-407) thereto, AND SENATE AMENDMENT "A" (S-226), in NON-CONCURRENCE.

Sent down for concurrence.

Emergency Measure

An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws

H.P. 1087 L.D. 1482
(C "A" H-422)

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.

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

ENACTORS

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

Emergency Resolve

Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland

S.P. 61 L.D. 138
(C "A" S-170)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 120: Release of Information to the Public, a Major Substantive Rule of the Maine Health Data Organization

H.P. 1118 L.D. 1527

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

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

ENACTORS

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

Mandate

An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments

S.P. 181 L.D. 541
(C "A" S-174)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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.

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 Honor the Intent of Organ Donors

H.P. 212 L.D. 257
(C "A" H-445)

An Act To Clarify the Duties of Conservators

H.P. 617 L.D. 840
(C "A" H-418)

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
(C "A" H-398)

An Act Regarding Filing and Certification Fees

H.P. 790 L.D. 1072
(C "A" H-416)

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 Restrict Use of Auto Dealer Plates

H.P. 745 L.D. 1028
(C "A" H-429)

On motion by Senator **HATCH** of Somerset, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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

ENACTORS

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

Acts

An Act To Amend the Laws with Regard to Legislative Reports on Children's Mental Health Services

H.P. 1082 L.D. 1477

An Act To Change the Membership of the Review Team for Aversive Behavior Modifications and Safety Devices for Persons with Mental Retardation or Autism

H.P. 1083 L.D. 1478
(C "A" H-411)

An Act To Delay the Repeal of Laws Governing the State's Response to an Extreme Public Health Emergency

S.P. 497 L.D. 1491

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

Resolves

Resolve, to Expand the Choices of People Seeking Mental Health Therapy Under the MaineCare Program

H.P. 66 L.D. 58
(C "A" H-444)

Resolve, To Ensure Appropriate Care for Older Persons with Dementia and Certain Other Diseases

H.P. 793 L.D. 1075
(C "A" H-446)

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

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
(C "A" H-370)

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

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

ENACTORS

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

Acts

An Act To Clarify the Filing of Municipal Personal Property Tax Liens

H.P. 965 L.D. 1311
(C "A" H-415)

An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards

S.P. 484 L.D. 1452
(C "A" S-169)

An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime

H.P. 1062 L.D. 1454
(C "A" H-417)

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 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
(C "A" H-428)

On motion by Senator **HATCH** of Somerset, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Facilitate E-9-1-1 for Multiline Telephone Systems
H.P. 1056 L.D. 1444
(C "A" H-425)

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Friday, May 23, 2003, at 10:00 in the morning.