

MAINE STATE LEGISLATURE

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



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

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

Volume II

First Regular Session (Continued)
May 21, 2003 to June 14, 2003

First Special Session
August 21, 2003 to August 22, 2003

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
Tuesday
May 27, 2003

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

Prayer by Father John W. Keegan, S.J., President, Cheverus
High School in Portland.

FATHER KEEGAN: Let us pray. Blessed are You, Lord, God of
all creation. You are the giver of all that is good. Our lives, our
liberty, and the ability to pursue happiness in these United States
and in the State of Maine in which we live, move, and have our
being. We look to You to give the members of this Senate the
blessings of wisdom so that each may be truly wise in making
decisions for the good of each and all of the people of Maine. We
look to Your justice so that each member may do what is right
and just for each and all of the citizens of Maine; especially for the
poor, the education of the young, the care of the poor, the
abandoned, the homeless, and those deprived of their rightful
dignity and just rights. We look to You for the energy to work
tirelessly to bring about a society where each woman and man
may be free and experience the care of her and his sisters and
brothers under the guidance of Your ever present love and
compassion. May the deliberations of those here be carried out
with patience, attentiveness, and concern for all. We pray to You,
who is the author of life and the source of all good things and
blessings. Amen.

Pledge of Allegiance led by Senator Arthur F. Mayo of Sagadahoc
County.

Reading of the Journal of Friday, May 23, 2003.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 250

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

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the 121st Maine Legislature, the Joint Standing Committee
on Education and Cultural Affairs has had under consideration the
nomination of Charles D. Fisher of Brewer, for appointment as the
Maine Community College System, Board of Trustees.

After public hearing and discussion on this nomination, the
Committee proceeded to vote on the motion to recommend to the
Senate that this nomination be confirmed. The Committee Clerk
called the roll with the following result:

YEAS	Senators	2	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	7	Cummings of Portland, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Murphy of Kennebunk, Norton of Bangor, Thomas of Orono
NAYS		0	
ABSENT		4	Rep. Andrews of York, Sen. Brennan of Cumberland, Rep. Gagne-Friel of Buckfield, Rep. Ledwin of Holden

Nine members of the Committee having voted in the affirmative
and none in the negative, it was the vote of the Committee that
the nomination of Charles D. Fisher of Brewer, for appointment to
the Maine Community College System, Board of Trustees be
confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the
recommendation of the Committee on **EDUCATION AND
CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with
Joint Rule 506 of the 121st Legislature, the vote was taken by the
Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#99)

YEAS: Senators: None

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

ABSENT: Senators: LEMONT, YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles D. Fisher** of Brewer, for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The chair is pleased to recognize in the rear of the chamber Charles D. Fisher.

The Following Communication: S.C. 251

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Jane S. Bradley of Freeport, for reappointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Pendleton of Cumberland,
Cathcart of Penobscot

Representatives 8

Norbert of Portland, Bennett of Caribou, Bryant-Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Mills of Farmington, Sherman of Hodgdon, Simpson of Auburn

NAYS 0

ABSENT 0 Rep. Duprey of Hampden,
Rep. Richardson of Brunswick, Sen. Woodcock of Franklin

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Jane S. Bradley of Freeport, for reappointment as a District Court Judge be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/William S. Norbert
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#100)

YEAS: Senators: None

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

ABSENT: Senators: LEMONT, YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Jane S. Bradley** of Freeport, for reappointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 252

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Bernard C. Staples of Bar Harbor, for reappointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Pendleton of Cumberland, Cathcart of Penobscot
	Representatives	8	Norbert of Portland, Bennett of Caribou, Bryant- Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Mills of Farmington, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		3	Rep. Duprey of Hampden, Rep. Richardson of Brunswick, Sen. Woodcock of Franklin

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Bernard C. Staples of Bar Harbor, for reappointment as a District Court Judge be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/William S. Norbert
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#101)

YEAS: Senators: None

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

ABSENT: Senators: LEMONT, YOUNGBLOOD

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Bernard C. Staples** of Bar Harbor, for reappointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 253

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable David B. Griffiths of Presque Isle, for appointment as an Active Retired District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Pendleton of Cumberland, Cathcart of Penobscot
	Representatives	8	Norbert of Portland, Bennett of Caribou, Bryant- Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Mills of Farmington, Sherman of Hodgdon, Simpson of Auburn
NAYS		0	
ABSENT		3	Rep. Duprey of Hampden, Rep. Richardson of Brunswick, Sen. Woodcock of Franklin

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable David B. Griffiths of Presque Isle, for appointment as an Active Retired District Court Judge be confirmed.

Signed,

S/Peggy A. Pendleton
Senate Chair

S/William S. Norbert
House Chair

READ and ORDERED PLACED ON FILE.

Off Record Remarks

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

The Following Communication: S.C. 254

**121ST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Rod Browne Mitchell of Peaks Island, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Damon of Hancock, Bennett of Oxford, Pendleton of Cumberland
	Representatives	6	Bull of Freeport, Ash of Belfast, Kaelin of Winterport, McNeil of Rockland, Percy of Phippsburg, Sullivan of Biddeford
NAYS		0	
ABSENT		4	Rep. Bierman of Sorrento, Rep. Bowen of Rockport, Rep. Dugay of Cherryfield, Rep. Muse of Fryeburg

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rod Browne Mitchell of Peaks Island, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis Damon
Senate Chair

S/Thomas D. Bull
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 255

**121ST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of William Sutter of Wiscasset, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Damon of Hancock, Bennett of Oxford, Pendleton of Cumberland
	Representatives	6	Bull of Freeport, Ash of Belfast, Kaelin of Winterport, McNeil of Rockland, Percy of Phippsburg, Sullivan of Biddeford
NAYS		0	
ABSENT		4	Rep. Bierman of Sorrento, Rep. Bowen of Rockport, Rep. Dugay of Cherryfield, Rep. Muse of Fryeburg

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William Sutter of Wiscasset, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis Damon
Senate Chair

S/Thomas D. Bull
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 256

**121ST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Dana Earle Temple of Cape Elizabeth, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Damon of Hancock, Pendleton of Cumberland
	Representatives	6	Bull of Freeport, Ash of Belfast, Kaelin of Winterport, McNeil of Rockland, Percy of Phippsburg, Sullivan of Biddeford
NAYS		0	
ABSENT		5	Sen. Bennett of Oxford, Rep. Bierman of Sorrento, Rep. Bowen of Rockport, Rep. Dugay of Cherryfield, Rep. Muse of Fryeburg

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dana Earle Temple of Cape Elizabeth, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis Damon
Senate Chair

S/Thomas D. Bull
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 257

**121ST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of Alton West of Milbridge, for appointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Damon of Hancock, Pendleton of Cumberland
	Representatives	6	Bull of Freeport, Ash of Belfast, Kaelin of Winterport, McNeil of Rockland, Percy of Phippsburg, Sullivan of Biddeford
NAYS		0	
ABSENT		5	Sen. Bennett of Oxford, Rep. Bierman of Sorrento, Rep. Bowen of Rockport, Rep. Dugay of Cherryfield, Rep. Muse of Fryeburg

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Alton West of Milbridge, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Dennis Damon
Senate Chair

S/Thomas D. Bull
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 258

**121ST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Natural Resources has had under consideration the nomination of Matthew Scott of Belgrade, for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Martin of Aroostook, Edmonds of Cumberland, Sawyer of Penobscot
	Representatives	9	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Daigle of Arundel, Hutton of Bowdoinham, Joy of Crystal, Makas of Lewiston, Saviello of Wilton, Thompson of South China, Tobin of Windham
NAYS	Senators	0	
	Representatives	1	Twomey of Biddeford
ABSENT		0	

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Matthew Scott of Belgrade, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 259

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

May 22, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Utilities and Energy has had under consideration the nomination of Sharon Reishus of Cambridge, MA, for appointment to the Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Hall of Lincoln
	Representatives	8	Bliss of South Portland, Adams of Portland, Berry of Belmont, Cressey of Baldwin, Fletcher of Winslow, Goodwin of Pembroke, Lundeen of Mars Hill, Richardson of Skowhegan
NAYS		0	
ABSENT		4	Sen. Bromley of Cumberland, Rep. Rines of Wiscasset, Sen. Youngblood of Penobscot, Rep. Moody of Manchester

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Sharon Reishus of Cambridge, MA, for appointment to the Public Utilities Commission be confirmed.

Signed,

S/Christopher G. Hall
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 260

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

May 22, 2003

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

Dear President Daggett and Speaker Colwell:

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

L.D. 162 An Act to Provide for the Fair Distribution of
Resources for Teaching Students of Limited
Proficiency in English

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

Sincerely,

S/Sen. Neria R. Douglass
Senate Chair

S/Rep. Glenn Cummings
House Chair

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects"

H.P. 1200 L.D. 1622

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1111.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-513)**.

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

READ ONCE.

House Amendment "A" (H-513) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws"

H.P. 1059 L.D. 1447

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-456)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456) AS AMENDED BY HOUSE AMENDMENT "A" (H-511)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-456) **READ**.

House Amendment "A" (H-511) to Committee Amendment "A" (H-456) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456) AS AMENDED BY HOUSE AMENDMENT "A" (H-511)** thereto, in concurrence.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Chapter 113: Rules and Regulations Governing the Licensing and Functioning of Assisted House Programs, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services (EMERGENCY)

H.P. 1153 L.D. 1580

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-514)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)**.

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

READ ONCE.

Committee Amendment "A" (H-514) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify and Update the Laws Related to Health Insurance"

H.P. 1100 L.D. 1507

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-515)**.

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

READ ONCE.

Committee Amendment "A" (H-515) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Consumer Privacy Rights"

H.P. 509 L.D. 692

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

Signed:

Senator:

SHOREY of Washington

Representatives:

O'BRIEN of Lewiston

AUSTIN of Gray

BERUBE of Lisbon

JACOBSEN of Waterboro

RECTOR of Thomaston

ROGERS of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-218)**.

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

Representatives:

SULLIVAN of Biddeford

DUPREY of Medway

PELLON of Machias

SMITH of Monmouth

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-218).

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To . Provide Collective Bargaining Rights to Certain Forest Products Workers"

H.P. 972 L.D. 1318

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-440).

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan
PATRICK of Rumford
JACKSON of Fort Kent
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin
HEIDRICH of Oxford
NUTTING of Oakland

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-440).

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 and To Direct Proceeds from the Sale of the Maine State Prison Property in Thomaston

H.P. 1069 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-502).

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
SUKEFORTH of Union
BUNKER of Kossuth Township

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

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-502).

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Present-home Property Taxes

H.P. 673 L.D. 916

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
SIMPSON of Auburn
CLOUGH of Scarborough
LERMAN of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-516)**.

Signed:

Representative:

COURTNEY of Sanford

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

Reports **READ**.

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

Senate
Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax

S.P. 280 L.D. 801

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

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach
McGOWAN of Pittsfield
SUSLOVIC of Portland
SIMPSON of Auburn
LERMAN of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-235)**.

Signed:

Senator:

NASS of York

Representatives:

TARDY of Newport
McCORMICK of West Gardiner
CLOUGH of Scarborough
COURTNEY of Sanford

Reports **READ**.

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

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. This is a simple constitutional amendment that would require 2/3 vote in both the House and the Senate in order to increase taxes or to increase a fee. Not much else needs to be said about that except let me give you some of the details. When we talk about fees in this proposal we restricted it in the amendment to those fees connected with motor vehicles and those fees connected with hunting and fishing licenses. It does not include fees which might accrue to the state based on other types of fee arrangements that the state charges. There is an exception in this proposal for debt payments. They would not be subjected to the 2/3 requirement.

Madame President, I think the time has come for the state legislature in Maine to adopt some kind of discipline. In my time here we've pretty consistently spent more than we have. We continue to do so. There is nothing that I can see in the future to encourage or mandate that this legislature live within its means. This, in my mind, is the only measure, the way, we're going to be

able to do this is to require a super majority to restrict tax increases or increases in fees.

Same Senator requested a Roll Call.

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. As a freshman, I introduced this piece of legislation. As a freshman, I enjoyed looking back at the history of this type of legislation, which goes back at least 10 years, and reading the testimony and the debate both for and against. I think, in particular, this year it has been demonstrated to us the necessity of legislation such as this. I'd just like to read to you recent statistics from the Small Business Survival Committee. From 1992 to 2000 per capita state spending in Maine increased by 41.8% while inflation over the same period registered only 16.4%. Total state expenditures increased by more than 2 1/2 times the inflation rate. If state spending had only increased at the inflation rate each year, Maine state government would have saved \$770 per person in the state in 2000, which would have translated into savings of more than \$981 million in the year 2000. That \$981 million is a budget amount that should be familiar to us this session, considering what we've gone through.

I would hope that you would support this legislation by joining me in opposing the motion that is on the floor. Thank you all 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'd encourage you to vote for the Ought Not to Pass report. Having served on the Taxation Committee for six years, this sounds somewhat enticing. However, it creates a situation of, basically, minority government in a situation when there are times when taxes are sometimes maybe not the best alternative, but the least hurtful alternative.

One of the things I would also be afraid of with this is a situation where we, the legislature, would be afraid to cut taxes, which is what we were doing in the last session and the session before that. I think there was about \$400 million worth of tax cuts that we were able to accomplish in previous years in a variety of ways, including the income tax and the sales tax from 6¢ down to 5.5¢ and then down to 5¢. Will people be as likely to vote for tax decreases if it takes a super majority to raise them again in the future if it becomes necessary? That may be the type of difficulty you want, but do you really want the difficulty with people who might be leery of lowering taxes? A good example of that is the constitutional amendment in which the state must pay for exemptions, whether or not we lift an exemption or not. I know when I served on the Taxation Committee there were times when we didn't want to lift an exemption because if you lift an exemption and then decided it was the wrong thing to do, you have to pay for 50% of it if you put it back on. I've actually seen bills go down that way.

While the newer members of the Taxation Committee, and I know the good Senator is a new member to the committee, I'm not sure if it is the best tax policy or the best policy for the State of Maine to take this approach. 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. As was stated previously, if you read it, it sounds really good. Like something you ought to do. What you are really doing is tying your hands. Sometimes you have to make decisions that have to be made for the betterment of the state. What you are really doing is tying your hands when you put forth this type of legislation. I kind of agree with some of the concepts of this, but the problem that I have is the tying of the hands. Also, I think there are other ways to accomplish the same thing in a different way. Sometimes, like I said, different decisions have to be made. You have to make the hard choices that you have to make. To tie the hands and do it in this manner is something that I don't think the State of Maine should be doing at this point in time. I think we should be looking at other alternatives to try instead of doing this. With that, I recommend the Ought Not to Pass.

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. I would hardly say that running our spending at the state level at twice the inflation rate is doing the best thing for the people of this state. I would also remind the members of this body that this legislation, this constitutional amendment, asks the people of our state to decide whether they want this or not. I think it's time to let the people of our state make the decision themselves. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. This piece of legislation has been around these legislative halls for as many years as I can remember, and that is a lot. Part of the reason why it always goes away, as I hope it goes today, is because people finally realize that close to 50% of budget simply goes back to our municipalities. For the most part, we are a pass through for the tax money we generate. Nothing more. When you take school revenues, for example, revenue sharing for municipalities, and let's not forget the amount of money we put in to pay for the retirement of all municipal and educational personnel at the local level, and all these figures together, you very quickly get to about 50%. We, in one fell swoop, could cut the state taxes by 50%, if we were to return no money to the municipalities. Then you can all answer the question yourselves as to what would happen then. Yes, there is no question that the state budget has increased by a higher percentage than inflation. Take a look at where that money has gone. It has gone primarily to municipalities or it has gone to the Medicaid area. That is where it is at. Unfortunate as it may be, that is where we are. Though I think, politically, it's a great tool to campaign on, it is something people understand because I don't know of a single American who doesn't want to lower their tax base and cut their taxes and what they are paying to someone else. That is not where the problem lies. Even though I'd love to campaign on this issue, I politically find it inappropriate.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I would simply like to add my voice in opposition to this and clarify some impression that may have been left by other Senators discussing this bill. In fact, pretty consistently, over the past several years, this legislature has cut taxes and cut taxes to the tune of over \$400 million a year. This has not been an example of a legislature that cannot figure out for itself whether or not taxes need to be raised or cut. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. This is hardly a proposal to reduce what we call the pass through, the 50% of our budget that goes back to the municipalities and school districts by any percentage. This is a forward looking thing. This deals with tax increases and increases in fees. Nobody in this proposal is suggesting that we are going to reduce, by 50% or any percentage, money going back to the municipalities.

I think that while some of us here have a lot of experience with this, it is important to look forward. We have some constitutional amendments that are going to be imposed on this body, on this legislature. We have stories of others coming forward. I think is the general concern in the public that we are raising and spending too much money. This is but one measure that could deal with that. To show the public and the citizens of Maine that we are concerned and we are concerned about the discipline and how we raise and spend money in this state. It's about time we do that. No matter what we have done in the past, I think and I believe it is time to be concerned and worry about what is going to happen in the future. Who is going to be in control of raising taxes and spending money? Is it going to be this body or is it going to be an initiated referendum? Thank you.

On motion by Senator **NASS** of York, 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 Penobscot, Senator Stanley 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 (#102)

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, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK

ABSENT: Senators: LEMONT, YOUNGBLOOD

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Amend the Charter of the Baileyville Utilities District
H.P. 1182 L.D. 1608
(C "A" H-424)

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 Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education
H.P. 1122 L.D. 1530
(C "A" H-453)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services
H.P. 1157 L.D. 1585
(C "A" H-477)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 111, Section 97: Private Non-Medical Institutions and Appendices B, C, D, E and F, a Major Substantive Rule of the Department of Human Services
H.P. 1158 L.D. 1586

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of the MaineCare Benefits Manual, Chapter 11 and Chapter 111, Section 40, Home Health Services, a Major Substantive Rule of the Department of Human Services, Bureau of Medical Services
H.P. 1161 L.D. 1588

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.

Mandate

An Act To Ensure Basic Standards for Death Investigations by Law Enforcement Agencies
H.P. 1053 L.D. 1434
(C "A" H-474)

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.

Mandate

An Act To Amend the Sex Offender Registration and Notification Laws
H.P. 1107 L.D. 1514
(C "A" H-420)

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.

Mandate

An Act To Make Minor Changes to the Required Law Enforcement Policies
S.P. 532 L.D. 1573
(C "A" S-203)

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 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act to Keep Foster Children Safe and Healthy
H.P. 63 L.D. 55
(H "B" H-240 to C "A" H-170)

An Act Regarding the Duties of a Personal Representative
H.P. 102 L.D. 93
(C "A" H-469)

An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands
H.P. 227 L.D. 284
(C "A" H-402)

An Act to Increase Courthouse Security
S.P. 110 L.D. 328
(C "A" S-215)

An Act to Encourage the Use of Generic Drugs
S.P. 111 L.D. 329
(C "A" S-191)

An Act to Amend the Laws Governing Wage and Benefit Records of Persons Working on Public Works Projects
H.P. 281 L.D. 361
(C "A" H-93)

An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders
H.P. 300 L.D. 380
(C "A" H-313)

An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees
S.P. 151 L.D. 433
(C "A" S-188)

An Act To Protect Health Care Practitioners Responding to Public Health Threats
H.P. 623 L.D. 846
(C "A" H-435)

An Act To Provide the Office of the State Fire Marshal with Adequate Funding for Construction Plans Review
H.P. 1028 L.D. 1401
(C "A" H-472)

An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System
H.P. 1042 L.D. 1423
(C "A" H-451)

An Act To Make Minor Substantive Changes to the Tax Laws
H.P. 1075 L.D. 1470
(C "A" H-421)

An Act To Extend Licensing Periods for Agencies Providing Mental Health Services
S.P. 494 L.D. 1488
(C "A" S-198)

An Act To Amend the Laws Relating to the Maine State Retirement System
S.P. 501 L.D. 1501
(C "A" S-179)

An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers
H.P. 1104 L.D. 1511

An Act To Update the Department of Defense, Veterans and Emergency Management Laws
H.P. 1106 L.D. 1513
(C "A" H-468)

An Act To Clarify the InforME Public Information Access Act
S.P. 524 L.D. 1561
(C "A" S-172)

An Act To Authorize a Pilot Project To Allow Commercial Vehicles at Canadian Weight Limits Access to the Woodland Commercial Park in Baileyville
H.P. 1147 L.D. 1565
(C "A" H-410)

An Act Concerning Technical Changes to the Tax Laws
S.P. 530 L.D. 1571
(C "A" S-175)

An Act To Protect Critical Homeland Security Information and Information Technology Infrastructure and Systems
S.P. 541 L.D. 1582
(C "A" S-190)

An Act Concerning the Animal Health and Disease Control Laws
S.P. 542 L.D. 1583
(C "A" S-187)

An Act Regarding Distribution of Tobacco Products
H.P. 1160 L.D. 1587
(C "A" H-408)

An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation
H.P. 1166 L.D. 1593

An Act Repealing the Charter of the Brewer Water District
S.P. 547 L.D. 1594
(C "A" S-176)

An Act To Enhance Electric Utility Consumer Protections
H.P. 1169 L.D. 1595
(C "A" H-426)

An Act To Recodify the Laws Governing Inland Fisheries and Wildlife
S.P. 553 L.D. 1600
(C "A" S-171)

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

An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School
S.P. 96 L.D. 262
(C "A" S-189)

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

An Act To Facilitate Communication between Prescribers and Dispensers of Prescription Medication
H.P. 702 L.D. 945
(C "A" H-457)

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

An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers

H.P. 1054 L.D. 1435
(C "A" H-452)

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

Resolves

Resolve, Regarding Consumer Information for Medicare Beneficiaries

S.P. 299 L.D. 903
(C "A" S-199)

Resolve, To Increase Public Access to the Prior Authorization Process

S.P. 419 L.D. 1288
(C "A" S-197)

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
(C "A" H-387)

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

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 (5/22/03) Assigned matter:

HOUSE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-367)** (5 members)

Tabled - May 22, 2003, by Senator **STRIMLING** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 20, 2003, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367).**)

(In Senate, May 22, 2003, Reports **READ.**)

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

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

Senator **STRIMLING:** Thank you very much, Madame President. I'm moving the minority Ought to Pass, which is not the report I'm on. Subsequently, since we did the committee work, it has come to my attention that the Department of Public Safety, who originally had some concerns with this bill, is now in support of it. Therefore, I am also standing in support of this bill. Thank you.

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

READ ONCE.

Committee Amendment "A" (H-367) **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 (5/22/03) 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 22, 2003, by Senator **TREAT** of Kennebec

Pending - motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#103)

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

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

ABSENT: Senators: HALL, YOUNGBLOOD

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/22/03) Assigned matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-465)** (8 members)

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

Tabled - May 22, 2003, by Senator **TREAT** of Kennebec

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

(In House, May 21, 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-465).**)

(In Senate, May 22, 2003, Reports **READ**.)

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. Just briefly, I'd like to mention what this bill does. The purpose is to help consumers. With anything that we buy, knowing what that particular company spends on advertising or marketing doesn't give us any indication that we're getting a better deal. Secondly, all information about marketing that is nationwide is not going to be revealed because they cannot break it apart by states. I ask you to vote against the pending motion.

Same Senator requested a Roll Call.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. It's been said once, it's been said twice, and it's going to be said again before we adjourn, one of the major cost drivers in health care costs has been prescription drugs. What this bill does is ask pharmaceutical companies that are doing work in Maine to file an annual report disclosing how much money they spend in Maine on the marketing of those drugs. It doesn't release any proprietary information. It doesn't put pharmaceutical companies at any competitive disadvantage. It simply says whatever funds they are using to market those products in the State of Maine, the State of Maine will have an opportunity, through the Health and Human Services Committee, to look at aggregate data on how much money is spent.

We've heard a number of claims by the pharmaceutical companies that the primary cost of the increase in prescription drugs is due to research and development. All this bill would do is allow us to look at the data from them and look at how much money, proportionately, is spent on marketing of drugs in the State of Maine. This is a simple bill. It is a straight forward bill. I think it warrants your support. Thank you.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of L.D. 254 for a number of reasons. One of which is the fact that I, too, had a similar bill before the Health and Human Services Committee and asked that it be withdrawn so that the House chair of the committee could have his name affixed to the piece of legislation.

We've heard and received a lot of material on this particular bill at our desks in the last couple of weeks. It does require the drug companies to report on their advertising and marketing expenditures within the State of Maine. It does, however, serve a public purpose. Reporting will shine a light on just how much marketing of drugs is occurring in the State of Maine. Accurate information about the extent of drug marketing in Maine may generate more neutral education of health care providers about the cost efficiencies of new and expensive drugs that are driving up Maine's health care costs without improving health care.

We heard a moment ago from the good Senator from Cumberland, Senator Brennan, that one of the major cost drivers in health care today is prescription drugs. The drug companies spend billions of dollars in this country promoting their most expensive drugs so that drug spending increases, directly contrary to the interests of Maine and Maine employers, in affordable health care. Drug companies, we know, market to doctors to prescribe the newest drug when older drugs and generic drugs can, and often do, work just as well. Hopefully, with the passage of L.D. 254, we will have a more informed, and a better informed, consumer and this will be another method of attempting to rein in this ever increasing cost spiral of prescription drugs. I urge your support of L.D. 254. 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. May I pose a question through the chair?

THE PRESIDENT: The Senator may pose his question.

Senator **NASS**: Thank you. Channel 6 advertises primarily in Maine, but they also broadcast into New Hampshire. National magazines, another large source of national advertising for drugs, distribute nationally. My question, Madame President, is will this mechanism be able to distinguish between that broadcast situation, where a Maine broadcast channel is broadcasted into New Hampshire, and where national magazines are making distributions on a fairly wide basis, but probably nobody's keeping track of where they go? Has anybody looked at that or is there testimony as to how that is going to be calculated? Thank you.

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

Senator **BRENNAN**: Thank you, Madame President, men and women of the Senate. As has already been mentioned, the intent of the bill is for pharmaceutical companies to file information on marketing in the State of Maine. We will rely on them to determine how they would best be able to report that information. We did recognize that there would be some regional and national overlap, due to the very nature of advertising.

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

Senator **WESTON**: Thank you, Madame President, men and women of the Senate. Let me read from the amendment, 'except for expenses associated with advertising purchased for a regional or a national market that includes advertising within a state.' So we will not have that information.

On motion by Senator **DAVIS** of Piscataquis, **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. (Roll Call Requested)

The Chair laid before the Senate the following Tabled and Later (5/23/03) Assigned matter:

Bill "An Act To Protect Moderate-value and High-value Bird Habitats"

H.P. 908 L.D. 1234
(C "A" H-372)

Tabled - May 23, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 16, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**, in concurrence.)

(In House, May 22, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENT "A" (H-506)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (5/23/03) Assigned matter:

Bill "An Act To Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause"

H.P. 860 L.D. 1163
(C "A" H-175)

Tabled - May 23, 2003, by Senator **TREAT** of Kennebec

Pending - motion by Senator **BLAIS** of Kennebec to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE** (Roll Call Requested)

(In Senate, May 14, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)**, in **NON-CONCURRENCE**.)

(In House, May 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175) AND HOUSE AMENDMENT "A" (H-497)**, in **NON-CONCURRENCE**.)

(In Senate, May 23, 2003, on motion by Senator **BLAIS** of Kennebec, **RECEDED**. Senator **TREAT** of Kennebec moved to **CONCUR**.)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#104)

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

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

ABSENT: Senator: YOUNGBLOOD

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BLAIS** of Kennebec to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

Senator **TREAT** of Kennebec moved the Senate **CONCUR**.

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 (#105)

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**

ABSENT: Senator: **YOUNGBLOOD**

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **TREAT** of Kennebec to **CONCUR**, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (5/23/03) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prohibit the Secretary of State From Endorsing Political Candidates"

S.P. 76 L.D. 153

Majority - Ought Not to Pass (8 members)

Minority - Ought to Pass (5 members)

Tabled - May 23, 2003, by Senator **GAGNON** of Kennebec

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

(In Senate, May 23, 2003, Reports **READ**.)

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. I'm going to refrain from going into the details on this. I think you are all well aware of them. I would like to address a couple of issues that I have heard in regard to why the majority Ought Not to Pass report should be accepted. I oppose the majority Ought Not to Pass report.

One of the things that I've heard is that the Governor has allowed partisan activity. Another thing that I've heard is that the language in the bill prohibits the Secretary of State, as a private individual, from partisan political activity. In regard to the Governor's actions, I would point out that the Governor is elected and directly accountable to the people of this state. The Secretary of State is not directly elected by the people of this state and is not directly accountable to the people of this state. In regard to the second issue, about the language of the bill, which reads the Secretary of State may not use the Secretary's official authority or influence for the purpose of political activity, et cetera. I would point out to you that in the state civil service system public law, under political activity, the same exact language is used. An officer or an employee in a classified service or an employee of the Executive Branch in the unclassified service of the state may not use that officer's or employee's official authority. The language is official authority. Those members of the Executive Branch have the ability to engage in political activity, partisan political activity, at their discretion as private individuals.

I would say in the particular case that arose and lead to this legislation, the beginning of the taped canned phone call message began, 'Hello, this is the Secretary of State.' It just so happens that the Secretary of State is also our Chief Elections Officer, responsible for ensuring fair and impartial elections in our state. I listened to debate in the form of a lecture last week, talking about unfair political practices in our state. In my mind, the Secretary of State using his or her official office and title for the purpose of partisan political activity sends the wrong message to the voters of this state. It also sends the wrong message to the candidates, to the people who are running for elected office. Like me, running for elected office the first time, if you get a phone call that says, 'Hello, this is the Secretary of State,' your immediate reaction is, what have I done wrong?

I would also point out that in that particular message that was sent during the last election by the Secretary of State, in my particular case, the Secretary of State insinuated that there were unfair mailings that occurred in my race. I can tell you that there were no unfair mailings of any kind, on either side, in my race. Both candidates ran on the issues.

I would hope that you would support me in voting against the motion that is on the floor. Let's send a clear message to the people of the State of Maine that we support fair election practices and that the Chief Elections Officer of the State of Maine has no business getting on the phone and endorsing political candidates. However, the Secretary of State is welcome, as a private citizen of this state, to get on the phone, a soap box, or anything else, using his or her own name to endorse political candidates. They simply should not be doing it using the official title of office. That is all that this legislation is designed to do. I think it's very important that we send this message to the people of the state, that we believe in transparency in this process. Please join me in voting against the majority Ought Not to Pass motion. Thank you very much.

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 PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon 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 (#106)

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

ABSENT: Senator: YOUNGBLOOD

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage Responsible Employment Practices"

H.P. 880 L.D. 1206

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-353)** (7 members)

Minority - **Ought Not to Pass** (6 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-353)**.)

(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-353) **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 Today Assigned matter:

NOMINATION - of the Honorable David B. Griffiths of Presque Isle, for appointment as an Active Retired District Court Judge

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 253) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#107)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **David B. Griffiths** of Presque Isle, for appointment as an Active Retired District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of Rod Browne Mitchell of Peaks Island, for appointment to the Marine Resources Advisory Council

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 254) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#108)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rod**

Browne Mitchell of Peaks Island, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of William Sutter of Wiscasset, for appointment to the Marine Resources Advisory Council

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 255) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#109)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **William Sutter** of Wiscasset, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of Dana Earle Temple of Cape Elizabeth, for appointment to the Marine Resources Advisory Council

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 256) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#110)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dana Earle Temple** of Cape Elizabeth, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of Alton West of Milbridge, for appointment to the Marine Resources Advisory Council

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 257) from the Committee on **MARINE RESOURCES**, **READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **MARINE RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#111)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Alton West** of Milbridge, for appointment to the Marine Resources Advisory Council was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of Matthew Scott of Belgrade, for appointment to the Board of Environmental Protection

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 258) from the Committee on **NATURAL RESOURCES, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#112)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Matthew Scott** of Belgrade, for appointment to the Board of Environmental Protection was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of Sharon Reishus of Cambridge, MA, for appointment to the Public Utilities Commission

Tabled - May 27, 2003, by Senator **TREAT** of Kennebec

Pending - **CONSIDERATION**

(In Senate, May 27, 2003, Communication (S.C. 259) from the Committee on **UTILITIES AND ENERGY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#113)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sharon Reishus** of Cambridge, MA, for appointment to the Public Utilities Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

COMMUNICATIONS

The Following Communication: S.C. 261

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

May 23, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Ralph Barnett of Brookton, for appointment to the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Bryant of Oxford, Kneeland of Aroostook
	Representatives	6	Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Pineau of Jay, Smith of Monmouth
NAYS	Senators	0	
	Representatives	1	McKee of Wayne
ABSENT		4	Rep. Eder of Portland, Rep. Lundeen of Mars Hill, Rep. Piotti of Unity, Sen. Youngblood of Penobscot

Eight members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Ralph Barnett of Brookton, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/Bruce Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#114)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ralph Barnett** of Brookton, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

COMMUNICATIONS

The Following Communication: S.C. 262

121ST LEGISLATURE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

May 23, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Leon Gorman of Yarmouth, for appointment to the Land for Maine's Future Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Bryant of Oxford, Kneeland of Aroostook
------	----------	---	---

Representatives 10 McKee of Wayne, Carr of Lincoln, Churchill of Orland, Eder of Portland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth

The Secretary has so informed the Speaker of the House of Representatives.

NAYS 0

ABSENT 1 Sen. Youngblood of Penobscot

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Leon Gorman of Yarmouth, for appointment to the Land for Maine's Future Board be confirmed.

Signed,

S/Bruce Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#115)

YEAS: Senators: None

NAYS: 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, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senator: YOUNGBLOOD

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Leon Gorman** of Yarmouth, for appointment to the Land for Maine's Future Board was **CONFIRMED**.

Senate at Ease.

Senate called to order by the President.

Senator **MITCHELL** of Penobscot was granted unanimous consent to address the Senate off the Record.

RECESSED until 1:00 in the afternoon.

After Recess

Senate called to order by the President.

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 Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001

S.P. 327 L.D. 986
(C "A" S-207)

An Act To Amend the Motor Vehicle Franchise Law

S.P. 425 L.D. 1294
(C "A" S-184)

PASSED TO BE ENACTED and having been signed by the President were 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 Penalize a Person Who is Habitually Late Making Child Support Payments

H.P. 952 L.D. 1298
(C "A" H-476)

An Act To Improve Out-of-home Abuse and Neglect Investigations

H.P. 968 L.D. 1314
(C "A" H-459)

An Act To Protect Campers by Making Personal Information Confidential

S.P. 467 L.D. 1419
(C "A" S-216)

An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders

H.P. 1165 L.D. 1592
(C "A" H-473)

An Act To Ensure Access to Intelligence and Investigative Information

H.P. 1172 L.D. 1598
(C "A" H-475)

PASSED TO BE ENACTED and having been signed by the President were 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:

Resolves

Resolve, Regarding Notice of Deficient Care in Long-term Care Settings

H.P. 936 L.D. 1264
(C "A" H-466)

Resolve, Regarding Opportunities To Decrease the Occurrence of Developmental Disabilities and Mental Health Challenges in Childhood

H.P. 999 L.D. 1364
(C "A" H-467)

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

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:

ENACTORS

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

Emergency Measure

An Act Relating to Harness Racing Laws

H.P. 521 L.D. 704
(C "A" H-397; H "A" H-479)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Amend the Maine Registry of Certified Nursing Assistants

H.P. 579 L.D. 780
(C "A" H-504)

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

Emergency Measure

An Act To Simplify Calculation of Legal Interest

H.P. 835 L.D. 1132
(H "A" H-488 to C "A" H-393)

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

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 Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices

H.P. 106 L.D. 97
(C "A" H-414)

An Act to Ensure Patient Access to Medical Records

H.P. 283 L.D. 363

An Act To Protect Maine Families When Workplace Fatalities Occur

H.P. 368 L.D. 476
(C "A" H-96)

An Act To Improve the Operation of the Workers' Compensation Board

H.P. 488 L.D. 658
(C "A" H-57)

An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program

H.P. 635 L.D. 858
(C "A" H-412)

An Act To Conform the Voting Members of Certain State Entities

H.P. 1029 L.D. 1402
(H "A" H-358)

An Act Regarding the State Police Command Staff

S.P. 481 L.D. 1449
(C "A" S-211)

An Act To Implement Federal Requirements in Child Protection Matters

S.P. 551 L.D. 1597
(C "A" S-221)

An Act To Revise and Amend Certain Public Health Laws

H.P. 1175 L.D. 1602
(C "A" H-505)

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 Governing the Quality Child Care Tax Credit

H.P. 923 L.D. 1249
(C "A" H-480)

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

An Act To Amend and Improve the Education Laws

S.P. 538 L.D. 1577
(C "A" S-201)

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

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
(C "A" H-404)

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

Senator **BENNETT:** Thank you, Madame President. I request permission to pose a question through the chair to anyone who may wish to respond.

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you, Madame President. I understand this bill would allow a person who is conducting or assisting in the conduct of a beano game to assist the player by playing that player's cards while that individual is taking a restroom break. There is an exception here for high stakes beano. The question I have is does this actually require that people operating the beano games allow this opportunity to make sure that one of their workers would be available to work a player's card and if there is a rush on the bathroom, whether or not there would be sufficient assistance at the beano game to ensure that all of the necessary cards could be played? Thank you, Madame President.

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

Senator **GAGNON:** I will be brief, as I have to go to the restroom myself. Thank you, Madame President. The committee considered maybe having people go to the bathroom for the person, but that didn't seem to work out. That was Committee Amendment "B" I think. I think that this was an issue that was important to a few people, that they continue to be able to play and not have difficulty sitting there playing their cards and that there would be sufficient people to sit in for everyone who wants to go to the bathroom at the appropriate time.

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

Senator **MARTIN:** Thank you, Madame President, men and women of the Senate. I'd be more than happy to respond to the question posed by the good Senator. You will notice, if you read the legislation very carefully, it says that the person may, not must.

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

Senator **BENNETT:** Thank you, Madame President. The legislation does give the opportunity to decide whether the cards would be played to the assistant, the person conducting rather than to the player. So I'm not sure if my concerns are alleviated. I'd also point out to the Senate that, indeed, it is against the rules here in the Senate, during a roll call or any other vote, for somebody to reach over and play the card of another Senator. I couldn't ask our Sergeant-At-Arms, Mr. Crockett, to come over here and vote for me when I was in the restroom. For those same reasons, I will oppose this bill.

Same Senator requested a Division.

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

THE PRESIDENT: The pending question before the Senate is Passage to be Enacted. 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 (#116)

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

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

ABSENT: Senator: YOUNGBLOOD

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator 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.

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:

Resolve

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Develop Guidelines for Requiring Handwashing Sinks in Certain Convenience Stores

H.P. 1171 L.D. 1596
(C "A" H-484)

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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement Regulatory Reforms and To Address Staffing Issues in Long-term Care Facilities"

H.P. 1181 L.D. 1607

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-525).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525).**

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

READ ONCE.

Committee Amendment "A" (H-525) **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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1203

ORDERED, the Senate concurring, that Bill, "An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws," H.P. 1087, L.D. 1482, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, 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 Amend the Life Safety Requirements for Residential Care Facilities

S.P. 418 L.D. 1287
(C "A" S-192)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-192)**.

On further motion by same Senator, Senate Amendment "A" (S-238) **READ**.

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

Senator **MARTIN:** Thank you, Madame President. The bill before us deals with life safety requirements and basically what we are trying to do is exempt homes with four beds or less. Otherwise, they have been required to have an architect to design it.

On further motion by same Senator, Senate Amendment "A" (S-238) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-192) AND SENATE AMENDMENT "A" (S-238), in NON-CONCURRENCE.

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 and To Direct Proceeds from the Sale of the Maine State Prison Property in Thomaston

H.P. 1069 L.D. 1464

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-502)** (9 members)

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

Tabled - May 27, 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 23, 2003, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**.)

(In Senate, May 27, 2003, Reports **READ**.)

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

Senator **TURNER:** Thank you, Madame President. May I pose a question through the chair?

THE PRESIDENT: The Senator may pose his question.

Senator **TURNER:** It's my understanding that the proceeds, should they come to pass, would direct the funds to the Maine State Housing Authority. I assume that is where they are intended to go and my question would be, is it not appropriate that they go back to the general fund for our deliberations?

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. Chapter 20 of the Public Laws of 2003 authorize the use of the proceeds from the sale of the parcels of land to finance affordable housing.

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

Senator **NASS:** Thank you, Madame President. Could I ask that this be repeated. We could not hear that over here.

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

Senator **LAFOUNTAIN:** Thank you, Madame President, men and women of the Senate. If you take a look at Committee Amendment "A" (H-502) you will see on the back side the fiscal

note which will explain to you that the funds received from the sale here are dedicated to the Maine State Housing Authority, Housing Opportunities for Maine Fund. Part of the decision made by the committee was that if they didn't dedicate it this way it would go to the general fund.

At the request of Senator **WOODCOCK** of Franklin a Division was had. 23 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-502) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, May 28, 2003, at 10:00 in the morning.