

# MAINE STATE LEGISLATURE

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

Volume II

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First Special Session  
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First Confirmation Session  
October 30, 2003

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

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

Pages 715 - 1415

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

In Senate Chamber  
Tuesday  
June 10, 2003

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

Prayer by Senator Betheda G. Edmonds of Cumberland County.

**SENATOR EDMONDS:** Good morning. I want to start with a poem by a poet I love very much, Mary Oliver. Every morning the world is created. Under the orange sticks of the sun, the heaped ashes of the night turn into leaves again and fasten themselves to high branches and the ponds appear like black cloth on which are painted islands of summer lilies. If it is your nature to be happy, you will swim a way along the soft trails for hours, your imagination alighting everywhere. If your spirit carries within it the thorn that is heavier than lead, if it is all you can do to keep on trudging, there is still somewhere deep within you a beast shouting that the earth is exactly what it wanted. Each pond, with its blazing lilies, is a prayer heard and answered, lavishly, every morning. Whether or not you have ever dared to be happy. Whether or not you have ever dared to pray.

Let us pray. Holy One of blessing, thank You for the chance to live fully again today. Thank You for the chance to do our best again today. Thank You for this glorious world and our chance to be part of it. Amen.

Reading of the Journal of Monday, June 9, 2003.

**SENATE PAPERS**

Bill "An Act Regarding Conformity with the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003"

S.P. 589 L.D. 1633

Sponsored by Senator STANLEY of Penobscot. (GOVERNOR'S BILL)

Cosponsored by Representative LEMOINE of Old Orchard Beach.

On motion by Senator STANLEY of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Ordered sent down forthwith for concurrence.

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Promote Fairness and Opportunity for Working Amputees"

S.P. 48 L.D. 125

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-259).**

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

**READ ONCE.**

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement School Funding Based on Essential Programs and Services"

S.P. 575 L.D. 1623

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-258).**

Signed:

Senators:

DOUGLASS of Androscoggin  
BRENNAN of Cumberland  
MITCHELL of Penobscot

Representatives:

CUMMINGS of Portland  
GAGNE-FRIEL of Buckfield  
LEDWIN of Holden  
NORTON of Bangor  
FINCH of Fairfield  
THOMAS of Orono  
FISCHER of Presque Isle

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

Signed:

Representatives:

DAVIS of Falmouth  
ANDREWS of York  
MURPHY of Kennebunk

Reports **READ**.

Senator **DOUGLASS** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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## 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 (5/5/03) Assigned matter:

JOINT ORDER - Relative to Authorizing the Joint Standing Committee on Insurance and Financial Services To Report Out a Bill Regarding Individual and Group Health Insurance Laws  
S.P. 550

Tabled - May 5, 2003, by Senator **TREAT** of Kennebec

Pending - motion by Senator **LAFOUNTAIN** of York to **PASS**

(In Senate, May 5, 2003, **READ**.)

On motion by Senator **LAFOUNTAIN** of York, **INDEFINITELY POSTPONED**.

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The Chair laid before the Senate the following Tabled and Later (6/4/03) Assigned matter:

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

H.P. 835 L.D. 1132

Tabled - June 4, 2003, by Senator **DOUGLASS** of Androscoggin

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-393)**, in **NON-CONCURRENCE**

(In Senate, May 27, 2003, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 582), in concurrence.)

(In Senate, June 4, 2003, on motion by Senator **DOUGLASS** of Androscoggin, **RULES SUSPENDED** and **RECONSIDERED ENACTMENT**, in concurrence. On further motion by same Senator, **RULES SUSPENDED** and **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY HOUSE AMENDMENT "A" (H-488)** thereto. On further motion

by same Senator, **RULES SUSPENDED** and **RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY HOUSE AMENDMENT "A" (H-488)** thereto. On further motion by same Senator, **RULES SUSPENDED** and **RECONSIDERED ADOPTION OF HOUSE AMENDMENT "A" (H-488) TO COMMITTEE AMENDMENT "A" (H-393)** and **INDEFINITELY POSTPONED** same, in **NON-CONCURRENCE**.)

On motion by Senator **DOUGLASS** of Androscoggin, Committee Amendment "A" (H-393) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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### Off Record Remarks

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On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "A" (S-261) **READ**.

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

Senator **DOUGLASS:** Thank you, Madame President, men and women of the Senate. Some time ago, we merged the jurisdiction of the Superior Courts with that of the District Courts. That led to some confusion over what interest rates apply, because we have different statutes for District Court than Superior Court. We also, in an earlier version of this bill, had clarified that through the Judiciary Committee, but there was no start date or clear designation of what happens to pending cases. This amendment to the bill clarifies that. Up until July 1<sup>st</sup>, the old laws apply for post-judgment interests. Beginning July 1, 2003, the new interest rate will apply, which is the Treasury bill plus 3%. I urge you to vote in support.

On motion by Senator **DOUGLASS** of Androscoggin, Senate Amendment "A" (S-261) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-261)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later (6/9/03) Assigned matter:

Bill "An Act To Improve Conditions for Inmates with Mental Illness"

H.P. 367 L.D. 475

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

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-548)**, in concurrence

(In House, June 9, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)**.)

(In Senate, June 9, 2003, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-548) **READ**.)

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-260) to Committee Amendment "A" (H-548) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President and colleagues in the Senate. This is a simple amendment. We realized that there was a constitutional problem on the original bill. The bill, itself, deals with mental health issues for inmates in our correctional facilities. We realized there was a constitutional problem in terms of those inmates competing with other folks who were already in what was formerly known as AMHI, whose new name is soon to be determined. We wanted to make sure we weren't causing a problem and pushing people out who were already in there. We're going to take another look at this next year. Basically, it takes that provision out, leaves the rest that deals with the Board of Visitors and making sure we are keeping an eye on what is going on in our jails in the bill. Thank you.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-260) to Committee Amendment "A" (H-548) **ADOPTED**.

Committee Amendment "A" (H-548) as Amended by Senate Amendment "A" (S-260) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548) AS AMENDED BY SENATE AMENDMENT "A" (S-260)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later (6/2/03) Assigned matter:

Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"

S.P. 515 L.D. 1536

Tabled - June 2, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 14, 2003, on motion by Senator **MARTIN** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In House, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-147)**, in **NON-CONCURRENCE**.)

Senator **GAGNON** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#152)

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

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

ABSENT: Senator: YOUNGBLOOD

EXCUSED: Senator: DAMON

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

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

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The Chair removed from the **SPECIAL STUDY TABLE** the following:

#### Emergency Resolve

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

S.P. 26 L.D. 40  
(C "A" S-4)

Tabled - April 10, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 26, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4).**)

(In House, April 2, 2003, **FINALLY PASSED.**)

On motion by Senator **GAGNON** of Kennebec, 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-4).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-4).

On further motion by same Senator, Senate Amendment "A" (S-266) to Committee Amendment "A" (S-4) **READ** and **ADOPTED.**

Committee Amendment "A" (S-4) as Amended by Senate Amendment "A" (S-266) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4) AS AMENDED BY SENATE AMENDMENT "A" (S-266)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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The Chair removed from the **SPECIAL STUDY TABLE** the following:

**Emergency Resolve**

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

S.P. 446 L.D. 1358  
(H "A" H-97)

Tabled - April 16, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-97)**, in concurrence.)

(In House, April 15, 2003, **FINALLY PASSED.**)

On motion by Senator **GAGNON** of Kennebec, 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 HOUSE AMENDMENT "A" (H-97)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-97), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-262) to House Amendment "A" (H-97) **READ** and **ADOPTED.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-97) as Amended by Senate Amendment "A" (S-262) thereto, in **NON-CONCURRENCE.**

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The Chair removed from the **SPECIAL STUDY TABLE** the following:

Joint Study Order - Relative to Directing the Joint Standing Committee on Agriculture, Conservation and Forestry To Study New Payment Models for the Logging Industry  
H.P. 724

Tabled - April 29, 2003, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 28, 2003, the **OUGHT TO PASS** Report from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Joint Study Order **PASSED.**)

(In Senate, April 29, 2003, Report **READ** and **ACCEPTED**, in concurrence.)

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-263) **READ** and **ADOPTED.**

**PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-263)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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The Chair removed from the **SPECIAL STUDY TABLE** the following:

Joint Study Order - Relative to Establishing a Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business

S.P. 552

Tabled - May 1, 2003, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**

(In Senate, May 1, 2003, **READ**.)

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-264) **READ** and **ADOPTED**.

**PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-264).**

Ordered sent down forthwith for concurrence.

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The Chair removed from the **SPECIAL STUDY TABLE** the following:

**Emergency Resolve**

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State

H.P. 364 L.D. 472  
(C "A" H-145)

Tabled - May 7, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145)**, in concurrence.)

(In House, May 6, 2003, **FAILED FINAL PASSAGE**.)

On motion by Senator **GAGNON** of Kennebec, 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" (H-145)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-145), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-265) to Committee Amendment "A" (H-145) **READ** and **ADOPTED**.

Committee Amendment "A" (H-145) as Amended by Senate Amendment "A" (S-265) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145) AS AMENDED BY SENATE AMENDMENT "A" (S-265) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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Off Record Remarks

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The Chair removed from the **SPECIAL STUDY TABLE** the following:

**Emergency Resolve**

Resolve, to Improve Community Safety and Sex Offender Accountability

H.P. 292 L.D. 372  
(C "A" H-158)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**, in concurrence.)

(In House, May 8, 2003, **FINALLY PASSED**.)

On motion by Senator **GAGNON** of Kennebec, 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" (H-158)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-158), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-267) to Committee Amendment "A" (H-158) **READ** and **ADOPTED**.

Committee Amendment "A" (H-158) as Amended by Senate Amendment "A" (S-267) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158) AS AMENDED BY SENATE AMENDMENT "A" (S-267) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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

SENATE REPORT - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Make Minor Technical Changes to the Maine Biomedical Research Program"

S.P. 436 L.D. 1345

Report - **Ought to Pass Amended by Committee Amendment "A" (S-158)**

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

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 15, 2003, Report **READ** and **ACCEPTED**. On motion by Senator **BROMLEY** of Cumberland, **RECONSIDERED ACCEPTANCE**.)

Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-158) **READ**.

On motion by Senator **BROMLEY** of Cumberland, Senate Amendment "A" (S-269) to Committee Amendment "A" (S-158) **READ**.

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

Senator **BROMLEY:** Thank you, Madame President. This amendment to the bill corrects an oversight in the way we do our evaluation. Maine can be very proud of the way we fund an evaluation of our research and development money so that the legislature and others can look at what the impact of those public monies are doing. When we drafted this bill originally, we had put into law a practice that a percentage of these public monies would go to fund this evaluation. We had neglected to include bond monies in that initial drafting. That is what this amendment does. I urge you to support this. Thank you.

On motion by Senator **BROMLEY** of Cumberland, Senate Amendment "A" (S-269) to Committee Amendment "A" (S-158) **ADOPTED**.

Committee Amendment "A" (S-158) as Amended by Senate Amendment "A" (S-269) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158) AS AMENDED BY SENATE AMENDMENT "A" (S-269)** thereto.

Ordered sent down forthwith for concurrence.

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

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Off Record Remarks

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

**ENACTORS**

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

**Mandate**

An Act To Control County Jail Health Care Expenses

H.P. 585 L.D. 808  
(C "A" H-365)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED**.

(See action later today.)

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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:

**Act**

An Act To Provide Affordable Loans for Higher Education

S.P. 579 L.D. 1625  
(C "A" S-257)

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

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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, Concerning Reauthorization of a 1997 Pollution Control Bond Issue

S.P. 583 L.D. 1628

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Encourage Workers' Compensation Dispute Resolutions"  
H.P. 438 L.D. 575

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-66)**.

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 Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR** on Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

H.P. 1206 L.D. 1627

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-555)**.

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 To Pass as Amended by Committee Amendment "B" (H-556)**.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

TREADWELL of Carmel

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-556)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-556)**.

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-556)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "B" (H-556) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-556)**, in concurrence.

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

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

#### COMMUNICATIONS

The Following Communication: H.C. 234

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

June 10, 2003

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

Dear Madam Secretary:

House Paper 227 Legislative Document 284 "An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands," having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

8 voted in favor and 117 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

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

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

#### PAPERS FROM THE HOUSE

##### Non-Concurrent Matter

Bill "An Act To Study the Development of an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"  
S.P. 134 L.D. 397  
(C "A" S-40)

In Senate, April 15, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-40)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-40) AS AMENDED BY HOUSE AMENDMENT "A" (H-551)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **HALL** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

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##### Non-Concurrent Matter

Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents (EMERGENCY)

S.P. 193 L.D. 553  
(C "A" S-182)

In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182) AS AMENDED BY HOUSE AMENDMENT "A" (H-553)** thereto, in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Ensure Equity in Mortgage Volume Fees"  
S.P. 310 L.D. 969  
(C "A" S-186)

In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AS AMENDED BY HOUSE AMENDMENT "A" (H-554)** thereto, in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Transfer Speech Pathologist Licensure Functions to the Department of Education"  
S.P. 330 L.D. 989  
(C "A" S-185)

In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AS AMENDED BY HOUSE AMENDMENT "A" (H-552)** thereto, in **NON-CONCURRENCE**.

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended"

H.P. 1149 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-557)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)**.

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

**READ ONCE.**

Committee Amendment "A" (H-557) **READ** and **ADOPTED**, in concurrence.

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 235

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 10, 2003

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

Dear Madam Secretary:

House Paper 667 Legislative Document 890 "An Act To Restrict Fingerprinting of Educational Personnel to New Applicants for Certification, Authorization or Approval," having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

62 voted in favor and 74 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (6/9/03) Assigned matter:

**SENATE REPORTS** - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State"

S.P. 449 L.D. 1361

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-256)** (11 members)

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

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

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#153)**

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

NAYS: Senators: BENNETT, BRENNAN, LEMONT, TREAT

ABSENT: Senators: STRIMLING, YOUNGBLOOD

EXCUSED: Senator: DAMON

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-256) **READ** and **ADOPTED**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#154)**

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

NAYS: Senators: BENNETT, BRENNAN, LEMONT, TREAT

ABSENT: Senators: STRIMLING, YOUNGBLOOD

EXCUSED: Senator: DAMON

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

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The Chair laid before the Senate the following Tabled Unassigned matter:

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

S.P. 588 L.D. 1632

Tabled - June 9, 2003, by Senator **BENNETT** of Oxford

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(Committee on **TRANSPORTATION** suggested and ordered printed.)

(In Senate, June 9, 2003, under suspension of the Rules, **READ TWICE.**)

On motion by Senator **HATCH** of Somerset, Senate Amendment "A" (S-270) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-270)**, without reference to a Committee.

Sent down for concurrence.

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

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Senator **MARTIN** of Aroostook moved the Senate **RECONSIDER** whereby it **PASSED TO BE ENACTED** the following:

**Mandate**

An Act To Control County Jail Health Care Expenses  
H.P. 585 L.D. 808  
(C "A" H-365)

(In House, June 10, 2003, **PASSED TO BE ENACTED.**)

Senator **BENNETT** of Oxford rose to a **POINT OF ORDER** as to whether the motion to **RECONSIDER** was in order and if the Senator from Aroostook, Senator Martin, had voted on the prevailing side.

The Chair inquired whether the Senator from Aroostook, Senator Martin, had voted on the prevailing side.

The Senator from Aroostook, Senator Martin, responded in the negative.

The Chair **RULED** the motion by Senator **MARTIN** of Aroostook to **RECONSIDER OUT OF ORDER**.

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

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Senate at Ease.

Senate called to order by the President.

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Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **MARTIN**: Thank you, Madame President. The purpose of the reconsideration motion on the bill was to notify members of what was going to happen if the bill becomes law. It has absolutely no impact on me, but for anyone who happens to have a hospital within their community, there will be a shift to the hospitals. This will lower the cost to the counties, but now the hospitals will be reimbursed on Medicaid rates rather than on the full cost of the treatment to prisoners that are held in the jail. If you happen to have a hospital in your district or in your community, the transfer from the difference between the Medicaid rate and the rate that is normally charged to the insurance carriers will now have to show up as a charity case or a cost within the hospital. It does not affect me at all since the jail happens to be located in Houlton, which is 120 miles from my hometown. For anyone who has a jail in his or her community, you need to know this. I personally could care less, but I don't want a Senator coming back next year and saying they didn't know what was happening in their own district.

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Off Record Remarks

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

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Off Record Remarks

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

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, June 11, 2003, at 10:00 in the morning.