

MAINE STATE LEGISLATURE

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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 SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
August 21, 2003

In compliance with a proclamation of Governor **JOHN E. BALDACCI**, the Senators convened in the Senate Chamber at one o'clock in the afternoon and were called to order by President **BEVERLY C. DAGGETT** of Kennebec County.

Prayer by Senator Betheda G. Edmonds of Cumberland County.

SENATOR EDMONDS: Good afternoon. Holy One of Blessings, help us today to persist when we want to give up. Help us to keep trying, although we can't see the end. Help us to know when to lead, and when to follow. Help us to know when to speak, and when to remain silent. Help us to know when to act, and when to wait. Help us to remember to listen well to each other. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of Piscataquis County.

At this point a message was received from the House of Representatives, borne by Representative **RICHARDSON** of Brunswick informing the Senate that a quorum of Representatives was assembled for the consideration of such business as may come before that Body.

Off Record Remarks

S.C. 281

**STATE OF MAINE
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve legislative matters limited to bond authorizations for educational and cultural facilities, highway, bridge, and other expenditures related to transportation, pollution control, parks and other public facilities; tax relief; and legislation correcting errors and inconsistencies; and

WHEREAS, the public health, safety, and welfare requires that the Legislature resolve those pending matters as soon as possible, and in any event prior to the date of the Second Regular Session of the 121st Legislature:

NOW THEREFORE, I, **JOHN E. BALDACCI**, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part First, Section Thirteen of the Constitution of Maine, convene the Legislature of the State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on August 21, 2003 at one o'clock in the afternoon, in order to receive communications, and enact bond authorizations and tax relief measures as may properly be brought before this special session of the Legislature.

In testimony whereof, I have caused the Great Seal of the State to be hereunto Affixed **GIVEN** under my hand at Augusta this twenty-eighth day of July in the Year of our Lord Two Thousand and Three.

S/**JOHN E. BALDACCI**
Governor

S/**Dan A. Gwadosky**
Secretary of State

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#186)

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

33 Senators having answered the Roll, the Chair declared a quorum present.

Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Senate Order:
S.O. 24

ORDERED, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **TREAT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Kennebec, Senator **TREAT** reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator **GAGNON** of Kennebec, the following Senate Order:
S.O. 25

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the message to the House of Representatives. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **GAGNON** reported that he had delivered the message with which he was charged.

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.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 597

**STATE OF MAINE
121ST MAINE LEGISLATURE**

August 4, 2003

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on
Business, Research and Economic Development
Rep. Nancy B. Sullivan
House Chair, Joint Standing Committee on
Business, Research and Economic Development
121st Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Sullivan:

Please be advised that Governor John E. Baldacci has nominated John A. Cashman of Old Town for appointment as Commissioner of the Department of Economic and Community Development.

Pursuant to Title 5, M.R.S.A. §13057, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

Ordered sent down forthwith for concurrence.

The Following Communication: S.P. 598

**STATE OF MAINE
121ST MAINE LEGISLATURE**

August 4, 2003

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

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Bernard O'Mara of Easton for appointment as a District Court Judge.

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

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

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

Ordered sent down forthwith for concurrence.

The Following Communication: S.C. 282

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

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Agriculture, Conservation and Forestry during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	71
Unanimous Reports	53
Ought to Pass	4
Ought to Pass as Amended	24
Ought Not to Pass	24
Referred to Another Committee	1
Divided Reports	10
Joint Study Orders	1
Carry Overs	3
Gubernatorial Nominations	4

Respectfully submitted,

S/Bruce S. Bryant S/Linda Rogers McKee
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 283

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

June 16, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	78
Unanimous Reports	44

Ought to Pass	2
Ought to Pass as Amended	5
Ought Not to Pass	37
Divided Reports	6
Carry Overs	27
Gubernatorial Nominations	1

Respectfully submitted,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 284

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

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Business, Research and Economic Development during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	104
Unanimous Reports	85
Ought to Pass	11
Ought to Pass as Amended	35
Ought Not to Pass	39
Divided Reports	9
Carry Overs	9
Gubernatorial Nominations	1

Respectfully submitted,

S/Lynn Bromley S/Nancy B. Sullivan
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 285

**121ST LEGISLATURE
COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Criminal Justice & Public Safety during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	105
Unanimous Reports	80
Ought to Pass	10
Ought to Pass as Amended	39
Ought Not to Pass	31
Divided Reports	16
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	6
Gubernatorial Nominations	2

Respectfully submitted,

S/Ethan Strimling
Senate Chair

S/George H. Bunker Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 286

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

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	94
Unanimous Reports	72
Ought to Pass	7
Ought to Pass as Amended	18
Ought Not to Pass	47
Divided Reports	9

Carry Overs	8
Gubernatorial Nominations	5

Respectfully submitted,

S/Neria R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 287

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

June 13, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Health and Human Services during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	121
Unanimous Reports	87
Ought to Pass	8
Ought to Pass as Amended	36
Ought Not to Pass	43
Divided Reports	14
Joint Study Orders	1
Carry Overs	19

Respectfully submitted,

S/Michael F. Brennan
Senate Chair

S/Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 288

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

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Inland Fisheries and Wildlife during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		92
Unanimous Reports	77	
Ought to Pass	4	
Ought to Pass as Amended	19	
Ought Not to Pass	53	
Referred to Another Committee	1	
Divided Reports	7	
Carry Overs	7	
Gubernatorial Nominations	1	

Respectfully submitted,

S/Bruce S. Bryant
Senate Chair

S/Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 289

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

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Insurance & Financial Services during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		93
Unanimous Reports	70	
Ought to Pass	9	
Ought to Pass as Amended	27	
Ought Not to Pass	33	
Referred to Another Committee	1	
Divided Reports	10	
Joint Study Orders	1	
Carry Overs	10	

Gubernatorial Nominations

2

Respectfully submitted,

S/Lloyd P. LaFountain III
Senate Chair

S/Christopher P. O'Neil
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 290

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

June 13, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Judiciary during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers		128
Unanimous Reports	93	
Ought to Pass	14	
Ought to Pass as Amended	39	
Ought Not to Pass	40	
Divided Reports	19	
Carry Overs	8	
Gubernatorial Nominations	8	

Respectfully submitted,

S/Peggy A. Pendleton
Senate Chair

S/William S. Norbert
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 291

**121ST LEGISLATURE
COMMITTEE ON LABOR**

June 13, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Labor during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	92
Unanimous Reports	51
Ought to Pass	4
Ought to Pass as Amended	26
Ought Not to Pass	21
Divided Reports	25
Joint Resolutions	1
Carry Overs	13
Gubernatorial Nominations	2

Respectfully submitted,

S/Betheda G. Edmonds S/William J. Smith
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 293

**121ST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Marine Resources during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	45
Unanimous Reports	32
Ought to Pass	2
Ought to Pass as Amended	12
Ought Not to Pass	17
Referred to Another Committee	1
Divided Reports	5
Carry Overs	3
Gubernatorial Nominations	5

Respectfully submitted,

S/Dennis S. Damon S/Thomas D. Bull
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 292

**121ST LEGISLATURE
COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

June 14, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Legal and Veterans Affairs during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	99
Unanimous Reports	54
Ought to Pass	2
Ought to Pass as Amended	21
Ought Not to Pass	31
Divided Reports	28
Committee Bills & Papers	2
Pursuant to Joint Order	2
Carry Overs	13
Gubernatorial Nominations	2

Respectfully submitted,

S/Kenneth T. Gagnon S/Joseph E. Clark
Senate Chair House Chair

The Following Communication: S.C. 294

**121ST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

June 13, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Natural Resources during the First Regular Session of the 121st Legislature has

been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	72
Unanimous Reports	57
Ought to Pass	1
Ought to Pass as Amended	29
Ought Not to Pass	27
Divided Reports	9
Carry Overs	3
Gubernatorial Nominations	3

Respectfully submitted,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 295

**121ST LEGISLATURE
COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on State and Local Government during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	102
Unanimous Reports	66
Ought to Pass	11
Ought to Pass as Amended	26
Ought Not to Pass	28
Referred to Another Committee	1
Divided Reports	24
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	11

Respectfully submitted,

S/Margaret Rotundo
Senate Chair

S/Janet L. McLaughlin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 296

**121ST LEGISLATURE
COMMITTEE ON TAXATION**

June 16, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Taxation during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	162
Unanimous Reports	145
Ought to Pass	3
Ought to Pass as Amended	17
Ought Not to Pass	125
Divided Reports	6
Joint Study Orders	1
Carry Overs	10

Respectfully submitted,

S/Stephen S. Stanley
Senate Chair

S/David G. Lemoine
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 297

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

June 13, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Transportation during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	134
Unanimous Reports	114
Ought to Pass	9
Ought to Pass as Amended	39
Ought Not to Pass	66
Divided Reports	13
Committee Bills & Papers	1
Pursuant to Joint Order	1
Carry Overs	5
Gubernatorial Nominations	1

Respectfully submitted,

S/Pamela H. Hatch
Senate Chair

S/Ronald E. Usher
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 298

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

June 11, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Standing Committee on Utilities and Energy during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	80
Unanimous Reports	51
Ought to Pass	5
Ought to Pass as Amended	21
Ought Not to Pass	25
Divided Reports	20
Carry Overs	8
Gubernatorial Nominations	1

Respectfully submitted,

S/Christopher G. Hall
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 299

**121ST LEGISLATURE
JOINT SELECT COMMITTEE ON
HEALTH CARE REFORM**

June 16, 2003

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

Dear President Daggett and Speaker Colwell:

We are pleased to report that all business which was placed before the Joint Select Committee on Health Care Reform during the First Regular Session of the 121st Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	2
Unanimous Reports	1
Ought to Pass as Amended	1
Carry Overs	1

Respectfully submitted,

S/Michael F. Brennan
Senate Chair

S/Christopher P. O'Neil
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 300

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

June 13, 2003

The Honorable Beverly C. Daggett
President of the Maine Senate
3 State House Station
Augusta, Maine 04333-0003

Dear President Daggett:

We are writing to inform you that the Joint Standing Committee on Education and Cultural Affairs was unable to complete its consideration of the following nominations within the statutory period as required by 3 MRSA, section 157:

Nominated May 15, 2003: Charles L. Johnson, III of Hallowell for reappointment, Paul J. Mitchell of Waterville and Charles J. O'Leary of Orono for appointment to the University of Maine, Board of Trustees.

Sincerely,

S/Neira R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 301

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

June 25, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5 MRSA, Section 3327, I am pleased to appoint the following Senators to the Energy Resources Council:

Senator Christopher Hall
Senator Ed Youngblood

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 302

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

July 9, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under P.L. 2003, chapter 40, I am pleased to appoint the following people to the Task Force on the Planning and Development of Marine Aquaculture in Maine:

Eric Horne of Freeport, representing a small shellfish company;
Rob Bauer of Blue Hill, representing a large shellfish company;

David Schmanska of Tenants Harbor, representing a coastal municipality;
Tom Morris of Southwest Harbor, representing the marine industry; and
Roger Fleming of Rockland, representing the environmental field.

Please let me know if you have any questions regarding these appointments.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 303

**STATE OF MAINE
121ST MAINE LEGISLATURE**

July 10, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under M.R.S.A. Title 12, § 6447 we are pleased to appoint the following Senators and Representatives to serve as members of the Lobster Management Policy Councils:

Zone A - Representative Anne C. Perry of Calais
Zone B - Senator Dennis Damon of Hancock
Zone C - Representative Hannah Pingree of North Haven
Zone D - Senator Christopher G. L. Hall of Lincoln
Zone E - Representative Ken Honey of Boothbay
Zone F - Representative Leila Percy of Phippsburg
Zone G - Representative Nancy B. Sullivan of Biddeford

Should you have any questions regarding these appointments please do not hesitate to contact us.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 304

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

July 31, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under PL 2003, Chapter 451, Section K-2, I am pleased to appoint the following Senators to serve on the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners:

Senator Mary Cathcart
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Ethan Strimling
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 305

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

July 31, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

I am pleased to appoint the following people to serve on the Presiding Officer's Advisory Task Force on Creating a Future for Youth in Maine:

Honorable Elizabeth H. Mitchell
Old Federal Rd
Box 6520
Vassalboro, ME 04989

Senator Christopher Hall
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Stephen Stanley
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Christine Savage
Senate Republican Office
3 State House Station
Augusta, ME 04333

John Simko
Town Manager
PO Box 1109
Greenville, ME 04441

Jeremy Pare
21 Second Ave.
Augusta, ME 04330

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 306

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

July 31, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Joint Order (SP 552) as amended by SAS-264, I am pleased to appoint the following Senators to serve on the Committee to Study the Implementation of the Privatization of the State's Wholesale Liquor Business:

Senator Ken Gagnon
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Arthur Mayo
Senate Republican Office
3 State House Station
Augusta, ME 04333

Senator Mary Cathcart
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator David Carpenter
Senate Republican Office
3 State House Station
Augusta, ME 04333

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 307

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 5, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 3, MRSA, Chapter 7, Section 168-A, I am pleased to appoint Senator Carol Weston to the Legislative Youth Advisory Council.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 308

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 6, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under PL 2003, Chapter 425, I am pleased to appoint the following Senators to serve on the Commission to Review the Budget Process of the Workers' Compensation Board:

Senator Beth Edmonds
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Ken Blais
Senate Republican Office
3 State House Station
Augusta, ME 04333

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 309

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 7, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 10, MRSA, chapter 110, section 1079, I am pleased to appoint A. Charles Kennedy of Cape Elizabeth to the Advisory Committee on Family Department

Accounts as a representative of a contributor of matching funds to the program.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 310

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 7, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Resolve 2003, Chapter 84, I am pleased to appoint the following people to the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents:

Senator Beth Edmonds of Cumberland
Doug Moody of Cumberland, representing the Governor
Baxter School
Mary Martone of Cumberland, representing educators of deaf students
Jenn McCann of Falmouth, representing behavioral health service providers
Jan DeVinney of South Portland, representing the Department of Labor
Mary Edgerton of Brunswick, representing advocacy for deaf students in special education proceedings

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 311

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 8, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under PL 2003, Chapter 469, Part G, I am pleased to appoint Senator Bruce Bryant of Oxford to the Task Force on Veterans' Health Services.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 312

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 14, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Resolve 2003, Chapter 89, I am pleased to appoint the following Senators to the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine.

Senator Dennis Damon of Hancock (replacing Senator Woodcock)
Senator John Martin of Aroostook (reappointment)

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 313

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 14, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 30-A, MRSA, Chapter 187, Section 4350, I am pleased to reappoint Senator Tom Sawyer of Penobscot to the Community Preservation Advisory Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 314

**STATE OF MAINE
DEPARTMENT OF AUDIT
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066**

Letter of Transmittal

Senator Beverly C. Daggett
President of the Senate

Representative Patrick Colwell
Speaker of the House of Representatives

The Honorable John E. Baldacci
Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2002. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$1.9 billion in federal funds. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and non-Profit Organizations*.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*
- Report on Compliance with Requirements Applicable to Each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State.

We would be pleased to respond to any questions or comments about the 2002 Single Audit of the State of Maine.

Respectfully submitted,

S/Gail M. Chase, CIA
State Auditor

June 30, 2003

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 315

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

August 13, 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 Business, Research and Economic Development has had under consideration the nomination of John A. Cashman of Old Town, for appointment as the Commissioner of the Department of Economic and Community Development.

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	Bromley of Cumberland, Hall of Lincoln, Shorey of Washington
	Representatives	8	Sullivan of Biddeford, Austin of Gray, Duprey of Medway, Jacobsen of Waterboro, O'Brien of Lewiston, Pellon of Machias, Rogers of Brewer, Smith of Monmouth
NAYS		0	
ABSENT		2	Rep. Berube of Lisbon, Rep. Rector of Thomaston

Eleven 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 John A. Cashman of Old Town, for appointment as the Commissioner of the Department of Economic and Community Development be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy B. Sullivan
House Chair

READ and ORDERED PLACED ON FILE.

Off Record Remarks

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 (#187)

YEAS: Senators: None

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

ABSENT: Senators: DOUGLASS, LEMONT, MITCHELL

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **John A. Cashman** of Old Town for appointment as the Commissioner of the Department of Economic and Community Development 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 John A. Cashman, the new Commissioner of the Department of Economic and Community Development.

The Following Communication: S.C. 316

121ST LEGISLATURE COMMITTEE ON JUDICIARY

August 20, 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 Bernard G. O'Mara of Easton, for appointment 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 1 Pendleton of Cumberland

 Representatives 8 Norbert of Portland, Bennett
 of Caribou, Bull of Freeport,
 Carr of Lincoln, Gerzofsky of
 Brunswick, Mills of
 Farmington, Sherman of
 Holdgdon, Simpson of
 Auburn

NAYS 0

ABSENT 4 Rep. Bryant-Deschenes of
 Turner, Sen. Cathcart of
 Penobscot, Rep. Duprey of
 Hampden, Sen. Woodcock of
 Franklin

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 Bernard G. O'Mara of Easton, for appointment 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 (#188)

YEAS: Senators: None

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

ABSENT: Senators: DOUGLASS, LEMONT

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 G. O'Mara** of Easton, for appointment as a District Court Judge was **CONFIRMED**.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Emily Fissel, of Seattle, Washington, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Emily, who is the team leader, and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Emily for her concern for our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 334

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Jessica Buchholz, of Salem, Oregon, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Jessica and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Jessica for her concern for our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 335

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Erika Smithson, of Cedar City, Utah, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Erika and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Erika for her concern for

our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 336

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Anna Norstedt, of Eau Claire, Wisconsin, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Anna and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Anna for her concern for our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 337

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Katie Liermann, of Perry, New York, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Katie and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Katie for her concern for our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 338

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Erin Mahoney, of Waupaca, Wisconsin, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Erin and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Erin for her concern for our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 339

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Deborah Prager, of Sebastopol, California, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Deborah and 10 other members of the Corps are in

Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Deborah for her concern for our lakes and wish her continued success in her future endeavors, wherever they may be;

SLS 340

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Landon Morgan, of St. Augustine, Florida, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Landon and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Landon for his concern for our lakes and wish him continued success in his future endeavors, wherever they may be;

SLS 341

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Justin Lim, of Newberg, Oregon, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Justin and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Justin for his concern for our lakes and wish him continued success in his future endeavors, wherever they may be;

SLS 342

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Ben Maki, of St. Joseph, Michigan, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Ben and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Ben for his concern for our lakes and wish him continued success in his future endeavors, wherever they may be;

SLS 343

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

Mike Siegel, of Hollister, California, a member of the National Civilian Community Corps, which is a part of AmeriCorps. Mike and 10 other members of the Corps are in Maine under a program sponsored by the Friends of the Cobbossee Watershed, a group that aims to educate people on ways to protect the watershed. The AmeriCorps volunteers, who are between 18 and 24 years of age, arrived in Maine on July 8th. Team members campaigned for the assignment and say that just being in Maine is a treat. We extend our appreciation to Mike for his concern for our lakes and wish him continued success in his future endeavors, wherever they may be;

SLS 344

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Senator: TREAT of Kennebec, Representatives: MOODY of Manchester, McKEE of Wayne, McCORMICK of West Gardiner, SMITH of Monmouth.

READ.

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. We have with us today 11 members of AmeriCorps. They are from all over the country, and have come to Maine this summer to give us their time, their hard work, and their growing expertise. AmeriCorps is the domestic branch of the PeaceCorps. They are young people, ages 18 to 24. Some of them are just out of high school. Some are still in high school. Some are in college, and some just out of college. They volunteer their time to help others. Their work takes them into the deepest poverty of the inner cities, and they are rushed to disaster scenes to support Red Cross efforts. Here in Maine they are the guests of the Friends of the Cobbossee Watershed, a non-profit group that is focused on good governance of the many lakes and streams in the area that stretched from Readfield to my hometown of Litchfield. That area encompasses the Senate districts represented by myself, and by the good Senator from Kennebec, Senator Treat. This year, the Friends and the AmeriCorps volunteers have been helping waterfront property owners upgrade their shorelines to prevent erosion and run-off. The team has installed thousands of pounds of carefully placed boulders as riprap, and have also installed scores of native plants. They also have good naturedly endured weeks of living and working in a rather extended and unusual recent period of very wet and humid weather. When they are done with their work here in a few weeks, they will be entitled to a \$5,000 allotment to be applied to their education. It is a reward well earned, and money well spent through our federal tax dollars. These young people deserve our support. Soon they will be heading home to the various other states across the nation knowing full well the beauty of Maine, and the friendship and gratitude of its citizens. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the AmeriCorps volunteers. Would they please rise and accept the greetings of the Maine Senate.

Joint Resolution

On motion by Senator **BRENNAN** of Cumberland (Under suspension of the rules, cosponsored by Senators: STRIMLING of Cumberland, President DAGGETT of Kennebec, LaFOUNTAIN of York, DOUGLASS of Androscoggin, TREAT of Kennebec, Representatives: BRANNIGAN of Portland, DUDLEY of Portland, EDER of Portland, CUMMINGS of Portland, SUSLOVIC of Portland, ADAMS of Portland, NORBERT of Portland, MILLS of Farmington, LEMOINE of Old Orchard Beach, SHERMAN of Hodgdon, TARDY of Newport, Speaker COLWELL of Gardiner, LORING of the Penobscot Nation, PINGREE of North Haven, MILLS of Cornville, WATSON of Bath), the following Joint Resolution:

S.P. 599

JOINT RESOLUTION RECOGNIZING DEAN COLLEEN KHOURY, RECIPIENT OF THE AMERICAN BAR ASSOCIATION'S MARGARET BRENT WOMEN LAWYERS OF ACHIEVEMENT AWARD

WHEREAS, Colleen Khoury, Dean of the University of Maine School of Law, has been honored with the Margaret Brent Women Lawyers of Achievement Award, which is the American Bar Association's highest mark of distinction for women; and

WHEREAS, the American Bar Association's Commission on Women in the Profession established the award 13 years ago to recognize and celebrate the accomplishments of women lawyers; and

WHEREAS, Dean Khoury received her law degree in 1975 from the Illinois Institute of Technology/Chicago-Kent College of Law where she graduated first in her class; and

WHEREAS, Dean Khoury was a partner with the law firm of Bell, Boyd and Lloyd in Chicago for 9 years; and

WHEREAS, Dean Khoury was general counsel for Ventrex Laboratories; and

WHEREAS, Dean Khoury became a professor at University of Maine School of Law in 1985 and was appointed the school's first woman dean in 1998; and

WHEREAS, Dean Khoury has taken a strong stand for women, and the Women's Law Section of the Maine State Bar Association recognized this in 1997 by presenting her with the Caroline Duby Glassman Award; and

WHEREAS, Dean Khoury received the Margaret Brent Women Lawyers of Achievement Award for her accomplishments as a woman lawyer who achieved professional excellence in her field and who worked hard to advance the interests of women; now, therefore, be it

**OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this occasion to congratulate Dean Khoury and express our appreciation to her for her commitment and dedication to opening opportunities for women lawyers, to the students of University of Maine School of Law and to the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Dean Colleen Khoury.

READ.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I'm very pleased today to present this Joint Resolution honoring Colleen Khoury, who is the Dean of the University of Maine Law School. As noted in the resolution, she moved to the State of Maine in the early 1980's, and I've had the pleasure of knowing her for that period of time. She also was appointed the first woman Dean of the law school in 1998. What the resolution doesn't show is that this award, given by the American Bar Association Commission on Women in Profession and is called the Margaret Brent Women Lawyers of Achievement Award, was also received by U.S. Supreme Court Justice Sandra Day O'Connor and Ruth Bader Ginsburg. Obviously, this is a very prestigious award that has been given only to those women in the country that have been extraordinary and noteworthy in the legal profession. Hopefully, you will all join me today in extending our good wishes to Dean Khoury. Thank you.

On motion Senator **BRENNAN** of Cumberland, **ADOPTED.**

Sent down for concurrence.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.C. 317

STATE OF MAINE

August 20, 2003

The Honorable Beverly Daggett
President of the Senate
#3 State House Station
Augusta, Maine 04333-0003

The Honorable Patrick Colwell
Speaker of the House
#2 State House Station
Augusta, Maine 04333-0002

Dear President Beverly Daggett and Speaker Patrick Colwell:

In accordance with 38 M.R.S.A. Section 341-C(5), this letter serves notice to the Legislature that I am extending the term of Ms. Virginia Plummer as a member of the Board of Environmental Protection. This extension is required to ensure fair consideration in the matter of establishment of a Water Level Management and Minimum Flow Regime for China Lake.

Ms. Plummer's Term will end upon final decisions by the Commission on the above-named matter.

Sincerely,

S/John Elias Baldacci
Governor

READ and ORDERED PLACED ON FILE.

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

SENATE PAPERS

Bill "An Act To Provide a Clear Transition for the County Commissioner Districts as Apportioned by Public Law 2003, Chapter 43 and as Codified by Public Law 2003, Chapter 291" (EMERGENCY)

S.P. 600 L.D. 1637

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative CLARK of Millinocket.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1214

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

August 21, 2003

Hon. Patrick Colwell
Speaker of the House
121st Legislature

Hon. Beverly C. Daggett
President of the Senate
121st Legislature

Dear Mr. Speaker and Madam President:

On August 21, 2003, at 11:30 a.m., 1 bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee on August 21, 2003, as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS
Bill "An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY) (H.P. 1213) (L.D. 1636) (Sponsored by Representative BRANNIGAN of Portland.) (GOVERNOR'S BILL)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 1213 L.D. 1636

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

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

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

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

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "A" (S-344) **READ**.

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I urge you to support this technical amendment to the Supplemental Budget bill. All it actually does is change the language, which was in error. It changes it from saying, 'a portion' to 'a proportion' and makes a technical change to clarify that the aggregate share of contributions by employees and retirees may increase as a proportion of the total cost. Thank you, Madame President.

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "A" (S-344) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-344), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 319

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 21, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Resolve 2003, Chapter 89, I have appointed Senator Bruce Bryant of Oxford as Senate Chair of the *Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine*. He will be replacing Senator Dennis Damon who is unable to serve.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 320

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

August 14, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Resolve 2003, Chapter 75, I am pleased to appoint the following individuals to the Commission to Improve Community Safety and Sex Offender Accountability.

Senator Pamela Hatch of Somerset
Elizabeth Ward Saxl of Pittston, representing a statewide coalition
Donna Strickler of Winthrop, representing providers of services to victims
Joan Sturmthall of Hallowell, representing the Maine Civil Liberties Union
Chief Butch Asselin of Skowhegan, representing the Maine Chiefs of Police Association

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Virginia P. Rines, of Wiscasset, beloved wife of Benjamin L. Rines, Sr., mother of Pamela, Larry, Benjamin Jr., Robert, Peter, Mark and Ray, and grandmother to 8 children. Mrs. Rines was an active member of, and well-known in, her community and was a member of several organizations, including the St. Philips Episcopal Church, the Rebekahs and the Huntoon Hill Grange. Mrs. Rines will be greatly missed by her loving family and her many friends;

SLS 350

Sponsored by Senator HALL of Lincoln.

Cosponsored by Senator: President DAGGETT of Kennebec, Representatives: RINES of Wiscasset, Speaker COLWELL of Gardiner, EARLE of Damariscotta, GROSE of Woolwich, HONEY of Boothbay, TRAHAN of Waldoboro.

READ.

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

Senator **HALL:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to rise briefly to draw your attention to this Joint Resolution in memoriam that honors the mother of Representative Peter Rines of Wiscasset who died at approximately 2:30 this afternoon. Virginia Rines is one of the strong, unsung heroes of Maine. She is one of those women who devoted her life to raising a strong family of seven kids, all of whom have been great participants in the life of their community, and two of whom have served this state with distinction in the House of Representatives. I knew her very little. We are both members of the same congregation of St. Philips Episcopal Church. I knew her influence through her kids, through her children. She imbued among her seven children, particularly Representative Peter Rines and his brother, Benjamin Rines, Jr., a great love for history, a great dedication to service of their community, and a great dedication to this legislature and to this state. I would simply ask of members that if you see Representative Rines here tonight, to express a sympathetic word. He is here doing his duty because, when he said good-bye to this mother this morning, she insisted that this is what he do today. Thank you very much.

ADOPTED.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1215

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO
CONTINUE THE FULL EFFECTIVENESS OF
THE HEAD START PROGRAM**

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the Head Start Program was introduced over 40 years ago and has changed the lives of more than 20,000,000 American children and their families with the simple idea that poor or disabled children will do better in school and in life if they get a "head start" in learning before beginning kindergarten; and

WHEREAS, to prepare preschoolers to function in the classroom and to improve their language skills, the Head Start Program immerses 3-year-olds and 4-year-olds in stimulating activities with other children and trained adults; and

WHEREAS, the Head Start Program most importantly fosters the commitment and involvement of parents and the community in providing educational development for these children; and

WHEREAS, national studies have confirmed that the Head Start Program works as it is now structured, that children improve in all areas of skills and knowledge when they are involved in the Head Start Program and that Head Start graduates are less likely to repeat a grade, less likely to require special education, less likely to be charged with or convicted of a crime and more likely to complete high school and college; and

WHEREAS, on June 19th of this year, the United States House of Representatives' Committee on Education and the Workforce voted to make fundamental changes to the Head Start Program by giving block grants to the states instead of directly funding Head Start, which then would allow diminished services, weaken the role of parents, shift money to states' budgets instead of Head Start and provide no meaningful oversight; and

WHEREAS, these proposed changes would effectively dismantle the Head Start Program, which has been so highly successful over the years. We urge that, rather than undercutting the federal program, direct funding be expanded to ensure that all our nation's children who need this program are included; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to urge the Congress of the United States not to change what is currently a very successful program, to keep the

Head Start funding system as it is and to make sure that all the children in America who need this program have the opportunity to be part of Head Start; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and to the members of Maine's Congressional Delegation.

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

READ.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I quote from this resolution that the move from the federalized Head Start Program to a state controlled Head Start will diminish services, weaken the role of parents, shift monies to states' budgets, and provide no meaningful oversight. That is one perspective. Another perspective is that the states' control of the Head Start Program might, in fact, enhance the ability of parents to have control over the Head Start Program. It might enhance the diminished services, if you would call them diminished. It might enhance the oversight process, because it would become tied very closely to your community.

The Head Start Program is a valuable program. My children, and children of others in this room, were, in some way, connected to Head Start. Head Start offers valuable assistance to young people. What we are debating tonight is whether or not we have a perspective of a continuation of a federalized funding and oversight process, or the ability of the states and local communities, therefore, to control the Head Start operations.

I am going to be opposing passage of this resolution. I feel that the Head Start Program will be better served with this local control. Thank you.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. The United States Senate is considering a bill to reauthorize the Head Start Program. I hope you will join me in supporting this resolution that asks Congress and the President to keep the program as it now stands. The success of this program is very well documented throughout this state, and throughout this country. Head Start works for children, and it strengthens families. It also strengthens our economy by helping children to succeed in school, and by helping families to become self-sufficient. Let's not try to fix something that is not broken. Please join me in supporting this resolution. Thank you.

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

Senator **DOUGLASS:** Madame President, I, too, rise in support of this resolution. Head Start is one of the programs that was begun in the 1960's, and has proven results. The proposed changes in the funding of that program are not proven. We need

to look towards accountability. Towards where we are headed in the future. In supporting this resolution, we are making the statement that what we have seen Head Start do for those children who enter our school systems ready to read, ready to learn, and with a far better education than they had prior to its start. We are affirming that program, and saying that we must keep it. We need to improve it, but this is not the way. By simply making a block grant without any further reducing of the accountability measures that might come into play with this, we would, in effect, be voting against Head Start rather than for it. I urge you to vote in favor of Head Start with this resolution.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I would reiterate that my vote against this resolution is not a vote against Head Start. It is a vote against the process that is being proposed, and to be given to the states as a control mechanism versus the federalized control. The possibility that this program might be improved has yet to be determined. We have one funding mechanism. We have one oversight mechanism. We have absolutely no idea that, with local control and a more regional operation, we might have a better Head Start Program than we have now. I would say once again, we're not voting against Head Start, we've voting against the process. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me give you a reason why you should be voting for this. How many of you really think that once we have control of the program the federal dollars will continue to flow? Think of all of the other federal programs that have been transferred to the states and what has happened with the federal funding over time. Granted more oversight is entirely possible, if the state were to achieve it. What will happen when the funding gets cut at the federal level? What do we do then? The reason, of course, is that some people at the federal level would like to get it moved onto the states. Then they won't have the pressure that they now bear when they don't fund it. That is why I'll vote for passage of the resolution.

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 Adoption, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#189)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN,

MAYO, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, **ADOPTED**, in concurrence.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements"

S.P. 531 L.D. 1572

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

Signed:

Senators:
CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:
BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH of Bangor

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

Signed:

Senator:
TURNER of Cumberland

Representatives:
ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

Reports **READ**.

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317)** Report.

Senator **WOODCOCK** of Franklin moved to **TABLE** until Later in Today's Session, pending the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317)** Report.

On motion by Senator **HALL** of Lincoln, 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 (#190)

YEAS: Senators: BENNETT, BLAIS, BROMLEY, CARPENTER, CATHCART, DAVIS, GAGNON, GILMAN, KNEELAND, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BRENNAN, BRYANT, DAMON, DOUGLASS, EDMONDS, HALL, HATCH, LAFOUNTAIN, STRIMLING

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **WOODCOCK** of Franklin to **TABLE** until Later in Today's Session, pending the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317)** Report, **PREVAILED**.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements"

S.P. 531 L.D. 1572

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-317)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-318)** (5 members)

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

Pending - motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317)** Report

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#191)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-317) **READ.**

On motion by Senator **HATCH** of Somerset, Senate Amendment "N" (S-346) to Committee Amendment "A" (S-317) **READ.**

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

Senator **HATCH:** Thank you, Madame President. This is the original recommendation from the Transportation Committee, including highway funds and bridge funds, for a total of \$67,500,000. \$62,500,000 is the actual highway fund money. There is an additional \$5 million for the Waldo/Hancock Bridge. There is also an amount in here for Lifeflight. These are important issues in this state, and stand to lose a lot of federal money if we do not go after this federal match. Many projects all over this state will be curtailed under the current budget. We will have to come back in January with another issue before us for the Waldo/Hancock Bridge. There will also be additional money that we will ask for transportation.

In a state such as ours, in order to entice businesses we have to have a transportation system that is second to none. I believe that this is a responsible thing to do. To put this bond issue out before the public. I ask for your support. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Hatch to Adopt Senate Amendment "N" (S-346). 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 (#192)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **HATCH** of Somerset to **ADOPT** Senate Amendment "N" (S-346) to Committee Amendment "A" (S-317), **PREVAILED.**

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "M" (S-345) to Committee Amendment "A" (S-317) **READ.**

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. For whatever reason, over the years we have dealt with the development of Loring in the Transportation budget. Frankly, it should probably be in the Economic and Development budget. The \$1 million, at some point much earlier in the process, probably in February or March, got left out. Frankly, some of us never saw it or caught it. This \$1 million in development at the hangar has the potential of 350 jobs at the center. Without it, this will not occur. If there is anything that can be of economic development to Aroostook County, this is one. Frankly, the number of jobs that would be created at Loring, at the Commerce Center, presently almost exceeds the number of civilian jobs that were there when Loring was an Air Force base. Tremendous progress has been made in 10 years to revive that portion of the county. Without the amount of work that had been done by a number of people in Aroostook, and from other parts of the country as well, we would not be where we are in Aroostook County. That is why I am offering this amendment today, in order to provide economic development. To continue the work that has been done, and to improve the conditions of what has happened at the center. That \$1 million has the potential of bringing back twenty fold because it also has the potential of bringing one major airline back to Aroostook County. I would urge you to vote for it.

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

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

Senator **BENNETT:** Thank you, Madame President, would 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'm looking at Senate Amendment "M" (S-345) for the first time. I see that there would be a change in the title, I believe, with this amendment and it would change the title to 'An Act to Authorize Bond Issues in the Total Amount of \$94,800,000 et cetera.' I'm wondering where the \$94,800,000 figure comes from and how it relates to this amendment in particular? 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 Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. We are somewhat in a quandary in the process of doing amendments. Whenever amendments are adopted, those totals are all going to be restructured, so that if this amendment were to go on and another one and another one, we will, at some point, have to merge them into one amendment. I'm not sure that makes any sense, but keep in mind that we can amend to the

third degree. Since you've got the majority report to the bill, you've got a committee amendment, and now you've got another amendment. You can't go amendment to the amendment. That is the reason why you are getting that. You have to, somewhat at this point, ignore the question, because all the questions will be wrong. At some point, once we have some understanding of what makes up that package, that will have to be restructured by the Committee on Engrossed Bills, of which I happen to be the chair.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Savage.

Senator **SAVAGE:** Thank you, Madame President. I maybe confused, but it looks to me, and maybe the Senator from Aroostook, Senator Martin, doesn't agree, but I think we've go in here \$3,600,000. According to a sheet I'm looking at, this amount does include \$1 million for Loring.

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

Senator **MARTIN:** Thank you, Madame President. I don't want to further confuse the issue, but if you take a look at page 2 of the Senate Amendment you will see that it deals with raising the \$60 million to \$61 million. The problem you have is that we are now working off an amendment that was just adopted on transportation. That was the point I was making in reference to the question posed by the good Senator from Oxford, Senator Bennett. What I am offering right now is \$1 million. Obviously, the amendment that was previously adopted also adopted additional money. The Doorkeepers secured the Chamber. Those figures, at some point, will all need to be totaled up. That is basically what will transpire.

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

Senator **BENNETT:** Thank you, Madame President. It seems to me, from the answer or the most recent colloquy here, that if we adopt this amendment, the current posture of the bill, or at least of the Committee Amendment, will be for \$2 million for Loring Air Force Base and for the development thereto. Thanks.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Adopt Senate Amendment "M" (S-345) to Committee Amendment "A" (S-317). 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 (#193)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, PENDLETON,

ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ADOPT** Senate Amendment "M" (S-345) to Committee Amendment "A" (S-317), **PREVAILED**.

On motion by Senator **DAMON** of Hancock, Senate Amendment "C" (S-324) to Committee Amendment "A" (S-317) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, ladies and gentlemen of the Senate. My amendment calls for the change in the bond package in the following ways; an additional \$550,000 be added to the ship program, the small harbor improvement program, which is an economic development program for the coastal harbors of Maine. It's much smaller in individual scope and total scope than the previously voted on economic development package for Loring. Nonetheless, it is designed to be, and it is critical to the continuance of ports and opportunities for fishermen to exit and enter the harbors.

In addition, my amendment calls for the inclusion of an additional \$1 million to fund the replacement in the Maine State Ferry Service for the Governor Curtis class ferry. There are presently seven ferry boats in the Maine State Ferry Service. One of them is 44 years old, one of them is 43 years old, and the newest of them is only 10 years old. The ferry and its function is to the island communities of our coast in our state much like the bridges are for the inland. Most notable of those bridges, and most recently in the news, is the Waldo/Hancock Bridge. If we allow our bridges to our islands to deteriorate, which they are, in fact, doing now in the form of these vessels, we do no service to those small communities that rely on them so heavily.

The final aspect of my amendment, Madame President, is the addition of \$500,000 to the trail and bicycle path improvement program. I urge your support. Thank you.

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?

THE PRESIDENT: The Senator may pose his question.

Senator **BENNETT:** Thank you, Madame President. To anyone who is able to respond, I note that this amendment would change the total amount in the title of the bills to \$95,850,000. I would ask whether it is the intention of this amendment to create a bond, or a set of bond issues, at that level?

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 Treat.

Senator **TREAT:** Thank you, Madame President. I believe that the question of the good Senator from Oxford, Senator Bennett, has been previously posed to a different amendment and I believe the answer is the same. This is why we have an engrossing department and an engrossing committee. If, indeed, all three of these amendments are put on, they will need to be engrossed, at which point any inconsistencies will be identified and then corrected, if this body chooses to do so.

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

Senator **BENNETT:** Thank you, Madame President. Perhaps I wasn't as clear as I ought to be. The nature of my inquiry is to the intent of this amendment and in the context of the overall bond, not the engrossing process. In doing rough math, depending on which baseline one starts from, the previous amendment from the Senator from Aroostook, Senator Martin, that we have already adopted, added to this. It constitutes a bond that would be in excess of \$95,850,000. Again, my question may have been misunderstood. Thank you.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me try to make it somewhat clearer. You take the amount of money that is in the bond amendment offered by the Senator from Somerset, Senator Hatch. You add the figure that I added to it. You then add what is in this amendment. The three figures will give you the figure that will be in the new bond package.

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

Senator **BENNETT:** Thank you, Madame President. I am grateful for the lesson in arithmetic. I think the point is that we are having a continually elevating number to the total dollar figure for this bond. We just seem to be layering on top of the number that I already felt was a bit high. We haven't necessarily seen the last of all the amendments either. I'm growing increasingly concerned about the size of this bond package. I will be opposing this amendment because of that reason.

Same Senator requested a Division.

On motion by Senator **MARTIN** of Aroostook, 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 (#194)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **DAMON** of Hancock to **ADOPT** Senate Amendment "C" (S-324) to Committee Amendment "A" (S-317), **FAILED**.

On motion by Senator **TURNER** of Cumberland, Senate Amendment "H" (S-333) to Committee Amendment "A" (S-317) **READ**.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I will take a slightly different course because if you are to adopt the amendment that I have put forward, it will do several things. First, it wipes out Committee Amendment "A" (S-317), and replaces it with the transportation portion of the Republican offering. Strange as it may seem to you, we went to the Administration and sat with people in the DOT and asked, 'What do you need at a minimum in order to fund the two year program for highway improvements and related transportation matters?' The figure they came back to us with at the time was \$57,500,000. To that we have added \$5 million to deal with the first portion of the request that we need in order to act responsibly with respect to the Waldo/Hancock County bridge. The total request, of my offering to you, is \$62.5 million. That draws down matching federal monies of roughly \$226 million. I think if you pay attention to the phone calls, conversations, or e-mails that you have gotten from your constituents, and I'm sure this is consistent in every one of our districts, what people are really asking for is a transportation bond package that allows us to take care of our transportation infrastructure. That is what my offering to you is this evening. I would urge that you set aside the other pieces. Deal with the essentials that we have to deal with in this special session, and we can come back in January and deal with the other things that are of a less critical nature in transportation. I would urge your support of this amendment. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. May I pose a question through the chair to the Senator from Cumberland, Senator Turner, in reference to the amendment? Am I correct in assuming that there will be no money for environmental bonds or any environmental issues facing the state in this year's bond package going to the voters? Am I assuming that the only thing

this amendment does is deal with highway alone? Is that the intent of the amendment?

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

Senator **TURNER:** I think the answer is yes, yes, and no. There is no environmental piece in this offering. There is no education piece in this offering. However, it is more than just highway. It is freight improvements as well as transportation improvements. For example, you have an amendment that has been passed that puts an additional \$1 million for Loring. This offering before you, that I have presented, has \$800,000 for Loring. Thank you.

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

Senator **EDMONDS:** Thank you, Madame President. In my reading of the amendment before us, there is only \$2.5 million for the Portland rail to Brunswick. I have been listening to my constituents, and that is an unacceptable level. That rail line is key to all future development that has to get from Portland to Freeport to Brunswick to, in fact, open up the corridor to Lewiston and Auburn and beyond. For that reason, and the fact there is no bonding for higher education or the environment, I will not be supporting this amendment.

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

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. I assume that this amendment, that was put forth, was put forth in good faith. I have no reason to think it wasn't. I also know, after having spent many months on the Transportation Committee, that there are many needs that are not being met in this state. I know that extends to everything, including education, environmental issues, and lots of other things. I don't think we're asking that we raise and appropriate this money today. We're asking to put this out to the voters and let them decide.

When I talk to people in my district, they would like to have their roads paved, but they also want to have money for higher education, for Lifeflight of Maine, and for other things that we need to do. I think it's up to us to at least put that out to the voters. I would request that you look deep within your heart, follow my light, and vote no on this amendment. I think it was put out there in good faith. There was probably one meeting with the Transportation Department, and they were trying to come to some resolution.

The Appropriations Committee worked long and hard to come to some resolution, and a bond package amount. I give you credit for that. Those long hours, when you sat in a room, faced each other, and tried to decide how much we ought to bond for. There has never been a better time in this state, or more of a cry in this state, for economic development than the transportation bond package and what it will do for this state. There is also a cry that rings out throughout the state to our environmental issues, and other issues. I think the people of the State of Maine are the wisest people in the world. I think they will make the right decisions. Have they turned down bond packages

before? Yes, they have. Will they turn this one down? I don't think so. I ask you to vote against this amendment and proceed forward to put the bond package out there in the fall. Let the citizens of this state make the decision on exactly what they want to fund.

Same Senator requested a Roll Call.

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

Senator **TURNER:** Thank you, Madame President. I just wanted to respond to the good Senator from Cumberland, Senator Edmonds. I, too, share your concern about being able to develop the rail corridor from Portland to Brunswick. A very key aspect of that is to make sure that we can take advantage of the significant traffic that now goes through Freeport, often to L.L. Bean and related retail establishments in downtown Freeport. With respect to expanding rail towards Lewiston, in the current plan the department has, you can't get there without going through Yarmouth. This will take care of us, I believe, up to Freeport and we will get there by going through Yarmouth. It was \$2.5 million of bond money and draws down an additional \$10 million from the federal government. I would, again, urge your acceptance of this amendment. Thank you.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I just want to clarify that in all of the conversations I've had with my local officials, this will get us there, but a year and a half later than we need to get there. We need the money now to get us on track and to stay on track. That is the important thing, as far as I'm concerned. Thank you.

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

Senator **MARTIN:** Thank you, Madame President. Having served as a Senate Chair in the Natural Resources Committee this year, I do have some knowledge of what will happen if we don't put money in the environmental side of the issue. At this point, the way this amendment would go, there would be no money for the uncontrolled hazardous waste sites that are presently located in Waterville, Dover-Foxcroft, South Paris, and Houlton. There is no money for the overboard discharge grant program, which has already brought back miles of coasts so you can now do clamming on many of those areas. I can read all of them. Ironically, none of them are in my district. They are all on the Maine coast. They run all the way from Gouldsboro to Bath. There is no money in here for the drinking water program, the shellfishery protection program, the small community grants program, or the water quality protection. I can't believe that this Senate would want to tell the people of Maine that we don't care about the environment, and that we are going to lose all the federal money that is presently available from matches in some of these programs. It might be great to say we're going to match the federal dollars for transportation. I support that, but some of these federal dollars are available with 11-1 matches. So every dollar that Maine puts in on some of these environmental programs, we would get \$11 to do the job. That maybe the desire

of some, but I can't believe it is the desire of the Republican Party in Maine.

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

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

Senator **TURNER:** Thank you, Madame President. I think the interesting thing is that, when you look at environmental bonds, education bonds, or transportation bonds, the fact is that both parties have shown a strong history of supporting all such measures. You have one amendment before you. I will confess to having 11 others here as well. I am hoping to deal with these in a serial fashion. I would not abandon the things that you have concerned yourself with, out of respect to the environment or education, but I am simply dealing with the amendment that is before us at the moment.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Turner to Adopt Senate Amendment "H" (S-333) to Committee Amendment "A" (S-317). 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 (#195)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **TURNER** of Cumberland to **ADOPT** Senate Amendment "H" (S-333) to Committee Amendment "A" (S-317), **FAILED**.

Committee Amendment "A" (S-317) as Amended by Senate Amendments "N" (S-346) and "M" (S-345) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-317) AS AMENDED BY SENATE AMENDMENTS "N" (S-346) AND "M" (S-345)** thereto.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Friday, August 22, 2003.

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

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Friday, August 22, 2003, at 11:00 in the morning.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.
