

# 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  
SECOND SPECIAL SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Wednesday  
March 17, 2004

Senate called to order by President Pro Tem Sharon A. Treat of Kennebec County.

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Prayer by Father Frank Murray, Sacred Heart, Saint Louis and Saint Philip Catholic Churches of Auburn.

**FATHER MURRAY:** Let us pray. Loving God, we gather on this St. Patrick's Day to continue the work of leading our great State of Maine. We are open to Your will for us as we strive to meet the needs of our citizens. Please help us in our efforts.

Today we begin with the words of St. Patrick's Morning Prayer. 'This God sends me strength as my guardian, might to uphold me, wisdom as guide. Your eyes are watchful. Your ears are listening. Your lips are speaking, friend at my side.'

We pray all these words in Your name. Amen.

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Doctor of the day, David Preston, M.D. of China.

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Reading of the Journal of Tuesday, March 16, 2004.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Strengthen the Prohibition against Night Hunting"  
H.P. 1238 L.D. 1662  
(C "A" H-692)

In Senate, February 25, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692) AS AMENDED BY HOUSE AMENDMENT "A" (H-762)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BRYANT** of Oxford, **TABLED** Unassigned, pending **FURTHER CONSIDERATION**.

**COMMUNICATIONS**

The Following Communication: S.C. 505

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

March 11, 2004

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

Dear President Daggett and Speaker Colwell:

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

L.D. 939      An Act To Repeal the Fee on Aquacultural  
Salmon Production

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

Sincerely,

S/Sen. Dennis Damon  
Senate Chair

S/Rep. Thomas Bull  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Make Mother's Day a Free Day for Fishing"  
(EMERGENCY)

S.P. 768 L.D. 1932

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative CLARK of Millinocket and  
Senators: GILMAN of Cumberland, MITCHELL of Penobscot,  
NASS of York, SAVAGE of Knox, WESTON of Waldo,  
Representatives: BRUNO of Raymond, SHERMAN of Hodgdon,  
VAUGHAN of Durham.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

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

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1354 L.D. 1831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-758)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-758)**.

Report **READ**.

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

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission"

H.P. 1252 L.D. 1730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Signed:

Senators:

HALL of Lincoln  
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset  
LUNDEEN of Mars Hill  
MOODY of Manchester  
ADAMS of Portland  
BERRY of Belmont  
BLISS of South Portland

RICHARDSON of Skowhegan

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

Signed:

Representatives:

FLETCHER of Winslow  
GOODWIN of Pembroke  
CRESSEY of Baldwin

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Senate**

**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Maine's Coastal Water"

S.P. 378 L.D. 1158

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

Signed:

Senators:

MARTIN of Aroostook  
EDMONDS of Cumberland  
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor  
TWOMEY of Biddeford  
HUTTON of Bowdoinham  
MAKAS of Lewiston  
SAVIELLO of Wilton  
THOMPSON of China  
TOBIN of Windham  
ANNIS of Dover-Foxcroft

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

Signed:

Representatives:

DAIGLE of Arundel  
JOY of Crystal

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (S-429) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**SECOND READERS**

The Committee on **Bills in the Second Reading** reported the following:

**House As Amended**

Bill "An Act To Update Laws Affecting the Military"  
H.P. 1274 L.D. 1752  
(C "A" H-752)

Bill "An Act To Amend the Election Laws"  
H.P. 1277 L.D. 1755  
(C "A" H-753)

Bill "An Act To Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities"  
H.P. 1286 L.D. 1764  
(C "A" H-749)

Bill "An Act Concerning Technical Changes to the Tax Laws"  
H.P. 1338 L.D. 1816  
(C "A" H-754)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Senate**

Resolve, Related to Aquaculture Leases in Blue Hill Bay  
S.P. 410 L.D. 1279

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses"

S.P. 225 L.D. 616  
(C "A" S-427)

Bill "An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment"

S.P. 407 L.D. 1261  
(C "A" S-424)

Bill "An Act To Authorize the STARBASE Program"

S.P. 622 L.D. 1690  
(C "A" S-423)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

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**ENACTORS**

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

**Acts**

An Act To Allow Communications Towers on Land of the Maine Turnpike Authority  
S.P. 608 L.D. 1676

An Act To Permit Background Checks on Prospective Adoptive Parents  
H.P. 1276 L.D. 1754  
(C "A" H-728)

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act

H.P. 1408 L.D. 1902

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

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An Act To Reduce the Voting Age Qualification for State Primary Elections for Voters Who Will Reach 18 Years of Age by the Time of the General Election

H.P. 470 L.D. 640  
(C "A" H-637)

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

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

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Senator **BENNETT** of Oxford rose to a **POINT OF ORDER** as to whether the Bill was properly before the Body.

On motion by Senator **GAGNON** of Kennebec, **TABLED**, pending **RULING OF THE CHAIR**. (Roll Call Ordered)

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Off Record Remarks

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

**SENATE PAPERS**

Bill "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)  
S.P. 769 L.D. 1934

Sponsored by Senator **HATCH** of Somerset. (GOVERNOR'S BILL)  
Cosponsored by Representative **USHER** of Westbrook.

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Ordered sent down forthwith for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **EDMONDS** for the Committee on **LABOR** on Bill "An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing"

S.P. 620 L.D. 1688

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-430)**.

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

**READ ONCE**.

Committee Amendment "A" (S-430) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Provide for a Limited Transition Provision for Renewal of Certain Social Worker Licenses" (EMERGENCY)  
H.P. 1431 L.D. 1931

Comes from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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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. 1430

**JOINT RESOLUTION DESIGNATING MARCH AS IRISH HERITAGE MONTH**

WHEREAS, America and the State of Maine since colonial times have welcomed millions of Irish immigrants to our shores, many fleeing religious, social and political discrimination in their homeland or starvation during the Great Hunger of the 1840s; and

WHEREAS, a significant portion of Maine's population proudly claims Irish descent and 44,000,000 Americans nationwide claim Irish descent; and

WHEREAS, 4 signers of the Declaration of Independence were Irish-born and 9 signers were of Irish ancestry, and 19 Presidents of the United States proudly claim Irish heritage, included among them the father of our country, George Washington; and

WHEREAS, on March 17, 1776, the day that the British forces evacuated Boston, General George Washington, to honor the large numbers of Irish under his command, used the name "Saint Patrick" as the password for his army; and

WHEREAS, Irish-Americans have from our country's earliest days been well represented in every major industry and occupation and have played an important role in making this country the great nation it is today; and

WHEREAS, Irish-Americans have bravely fought and died with honor to defend our country in every major war and conflict in which the United States has been involved; and

WHEREAS, more Americans claiming Irish ancestry have been awarded the Congressional Medal of Honor than any other nationality. The 2nd-youngest recipient of the Congressional Medal of Honor, at 14 years of age, was John Edward Anglin, who served in the United States Navy during the Civil War and was born in Portland, Maine and raised by Irish immigrant parents; and

WHEREAS, on May 11, 1775, Jeremiah O'Brien of Machias, Maine commanded the first naval victory of the American Revolutionary War; and

WHEREAS, Irish immigrants have always brought and generously shared their wonderful traditions, music and culture and have had a positive influence on American culture; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the Second Special Session, do proclaim that March 2004, and the month of March in every year, be designated as Irish Heritage Month throughout the State of Maine, and urge all schools, libraries and businesses and the media and the citizens of the State to commend and celebrate the integrity and richness of this culture; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Daniel O'Connell O'Donoghue Division of the Ancient Order of Hibernians on behalf of the people of the State of Maine.

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

**READ** and **ADOPTED**, in concurrence.

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## ORDERS OF THE DAY

### Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/16/04) Assigned matter:

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Instant Run-off Voting"

H.P. 171 L.D. 212

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-751)** (8 members)

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

Tabled - March 16, 2004, by Senator **GAGNON** of Kennebec

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

(In House, March 11, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**.)

(In Senate, March 16, 2004, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-751) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (3/16/04) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt Unemployment Benefits from State Income Tax" (EMERGENCY)

H.P. 1267 L.D. 1745

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-755)** (6 members)

Tabled - March 16, 2004, by Senator **STANLEY** of Penobscot

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

(In House, March 11, 2004, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 16, 2004, Reports **READ**.)

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I urge that you defeat this report and go on to accept the majority report from the Taxation Committee, which is Ought Not to Pass. While this would seem to be an obvious benefit for many in Maine who are unemployed at this time, there are two sides to this story. For somebody that was a relatively low income earner and is eligible for unemployment benefits, the probability is high that they won't pay taxes on that anyways. For those who, fortunately, worked in a fairly high paying job, for instance the paper workers in this state, and are now unemployed either temporarily or permanently, we face the prospect, by passing this, of those workers being exempt from income taxes. If you are a \$40,000, \$50,000 or \$60,000 a year earner, and for part of the year you collect unemployment benefits, it hardly seems fair to me that this person should be exempt from taxes in Maine. Thank you.

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

Senator **STANLEY:** Thank you, Madame President. It is an honor today to be able to rise on this particular bill. The reason why I can rise on it is because I know a lot of people who are living this today. I'll tell you everybody sitting in this room should take a look at their district. The reason why I'm saying that is because a lot of you have the same type of community as I do in my districts with one horse industries. These one horse industries are the towns themselves. Without the one horse industries the towns die. Without people being able to spend some money in those communities, the towns go away. With that being said, it's very important that the people in this body realize that it could come to a community near you. Nothing is sadder than watching a community die. I've seen Millinocket die. I've seen East Millinocket on the verge of death and then it came back. Knock on wood. Now I'm looking at a community 20 miles down the road that is on the verge of collapsing. Then I look over at Brewer, another town or city that is living with this situation. There are other places they can go, but a lot of communities have no place to go. You work all your life, 25 or 30 years; you have payments; you build a house; you establish yourself. Then things happen to you. When that happens to you, it's a horse of a different color. Been there, done it, lived it, living it today, and will be living it tomorrow and next week. I'll probably be living it for a while. I tell you, this is a bill that will help not just the person who is unemployed, but also the community that these people reside in. I'll tell you, what is going on not just here but all across the country is that people are losing jobs.

Every time I've spoken this year it's been about jobs. That is the name of the game, people. Jobs is the name of the game. Everybody out there that I know, 1,500 to 2,000 people, that are collecting unemployment right now within 30 or 40 miles of my district would love to have a job. I tell you what, when you have a job, you can buy things for your family, you have insurance, you have everything. Without a job, you don't have insurance. You people think they are going to Mainecare. Most of these people are making too much money on unemployment to qualify for Mainecare, to qualify for heating oil, to qualify for the food stamps. If you take \$30 or \$40 out of their pockets, it makes a big

difference. You are talking about life as a family, which is very important.

A while ago I heard here talk about livable wages. One of the problems in this state has is livable wages. We don't have enough livable wages. I'm not saying unemployment is the way to go, but I do say one thing, when you can have a job and get paid a livable wage, you can survive with all the benefits that the state provides. If you don't have that, you can't survive.

I want to make just one more point before I sit down. Put yourself in the position of some of these people. It could happen to you very easily. I will tell you, Maine is full of one horse industry towns. It could be your brother, your sister, your daughter, your son-in-law, your grandson, or anybody. Put yourself in their situation. Lived for years in the community you grew up in. All of a sudden it's taken away from you through no fault of your own. Here we are in an area where roughly 35,000 are unemployed in the State of Maine. Just think what an extra \$20 would do for these people. It might buy an extra loaf of bread. Might buy a gallon of gas to go find a job. When you don't have the money, it's not there. With that, I would recommend you go with the minority report of Ought to Pass as Amended. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Penobscot, Senator Stanley to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#269)

**YEAS:** Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO, ROTUNDO, SHOREY, STANLEY, STRIMLING, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

**NAYS:** Senators: BENNETT, BLAIS, CARPENTER, GILMAN, KNEELAND, LEMONT, MITCHELL, NASS, SAWYER, TURNER, WESTON

**ABSENT:** Senators: PENDLETON, SAVAGE

**EXCUSED:** Senator: DAGGETT

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

**READ ONCE.**



Committee Amendment "A" (H-755) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

The Chair laid before the Senate the following Tabled and Later (3/16/04) Assigned matter:

**SENATE REPORTS** - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Health Data Information and Health Planning"

S.P. 175 L.D. 535

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-426)** (4 members)

Tabled - March 16, 2004, by Senator **BRENNAN** of Cumberland

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

(In Senate, March 16, 2004; Reports **READ**.)

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. This bill that is before you was a great bill. In fact, most of it has already been passed into law. That is why it is back before us today. There was one very important piece that was not applied to the bill that we know as the Dirigo Legislation. I consider that an oversight, perhaps. The reason we should not be just letting the rest of this bill go is because it relates directly to our responsibility as members of the legislature.

The Advisory Council on Health Systems Development that is in place now has every appointment made by the Governor's office. In the original legislation that we have before us today, it divided that appointment process between the Senate, the House, and the Chief Executive's office. We all know when we campaigned and we all know that every day we hear from our constituents about the health care issues; how they are trying to struggle to be a part of it, how they are trying to struggle to understand what we are doing with it. I think this committee is so important that I don't want to shirk my responsibility and I would like to see the President of our Senate and the Speaker of the other body be able to make appointments. There is an amendment that we could forward with that does just that.

The choice before you this morning is very simple. You can let this bill go as not passed into law. By doing that, we are saying we should have nothing to say about who severs on this very important council. We could go forward and take our fair share of responsibility and be responsive to our constituents back home. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. It's somewhat unfortunate that this bill is before us today and it is certainly unnecessary that this bill is before us today. This bill was presented last session. It did relate to Dirigo Health and to healthcare reform. As a result of that, the bill was carried over to the next session. In Dirigo Health, it was passed last session. We had an analysis that was done by the OPLA staff. They did a side-by-side of this bill with what was in Dirigo Health. It was virtually identical. The previous speaker, the Senator from Waldo, Senator Weston, acknowledged that. What was put forward in this bill during the last session was almost fully incorporated into Dirigo Health. The substance of the bill, the important part of the bill, was passed in Dirigo Health, unanimously, by the Joint Select Committee on Healthcare Reform. When we pass that, nobody raised the issue of appointments. When the committee reconvened this year, we said we was going to bring this bill forward and report it out Ought Not to Pass, because we have done it in Dirigo Health. All of a sudden, there are these concerns raised about who is doing the appointments. Never were they raised during the discussion about Dirigo Health. Now we need to have this debate and discussion about who is going to do the appointments. In an act of good faith, there was a compromise that was put forward by the Chief Executive's Office relative to this bill. It was dismissed, turned down. They said, 'no, we don't want to do that. We'd rather continue to go forward with this minority report.' So I urge you to support the majority report, which is Ought Not to Pass, because we already addressed this issue in Dirigo Health. If this were not simply a carry over bill, it would not be before us today. Thank you. Again, I hope you will support the pending motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Brennan to Accept the Majority Ought Not to Pass Report.

The Chair ordered a Division.

On motion by Senator **WESTON** of Waldo, 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 (#270)**

**YEAS:** Senators: **BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO, ROTUNDO, STANLEY, STRIMLING, THE PRESIDENT PRO TEM - SHARON A. TREAT**

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

**ABSENT:** Senators: **PENDLETON, SAVAGE**

**EXCUSED:** Senator: **DAGGETT**

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

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On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, to Thursday, March 18, 2004, at 10:00 in the morning.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by President Pro Tem  
**SHARON A. TREAT** of Kennebec County.

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

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Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

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Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BRENNAN**: Thank you, Madame President, men and women of the Senate. My grandmother arrived in Portland from Galway Bay in Ireland in 1912. If she had come 50 years earlier, and landed in Boston, she probably would have been greeted with signs that said, 'Irish need not apply.' At that time, there was prejudice, discrimination, and stigma against people who were Irish. Fortunately, today we don't have that. Actually today we have St. Patrick's Day and we celebrate and everybody is proud to be Irish.

I'm also pleased to announce today that this Friday, at 10:00 in the morning, there will be an open house for Riverview Psychiatric Center. That is a significant step in this state to addressing the stigma related to mental illness. For the first time in its history, this state will move from the 18<sup>th</sup> century notion that people should be institutionalized, to the notion that persons with mental illness need and deserve a state of the art facility that does not stress restraint and institution but stresses how to reintegrate people back into the community.

My announcement today is first to wish everybody a happy St. Patrick's Day and secondly to announce that there is a really historic event this Friday at 10:00 in the morning at the Riverview Psychiatric Center where this state will take a huge step forward in addressing the issues of stigma and mental illness. Thank you.

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

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Off Record Remarks