

MAINE STATE LEGISLATURE

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

Volume III

Second Special Session (Continued)
March 22, 2004 to April 30, 2004

Second Confirmation Session
August 25, 2004

Interim Appendix

Senate Legislative Sentiments

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**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Wednesday
April 14, 2004

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

Prayer by Senator Christine R. Savage of Knox County.

SENATOR SAVAGE: Good morning. Let us be in the spirit of
prayer.

May all we do today begin with You, oh Lord. Plant dreams
and hope within us. Revive our tired spirit. Be with us today.
May all we do today continue with Your help, oh Lord. Walk at
our side. Be with us as we face difficult decisions. When our
work is complete, let us have comfort in knowing we've done our
best. Lord, there are many today who are suffering. Place Your
loving arms around them and give them peace and hope. Be also
with the families of these legislators, for it is they who have
sacrificed to allow us to serve. To us and all whom we meet
today, give Your joy and peace. We ask this in the name of
Jesus Christ, our Lord and Savior. Amen.

Reading of the Journal of Tuesday, April 13, 2004.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 584

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

April 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the 121st Maine Legislature, the Joint Standing Committee
on Education and Cultural Affairs has had under consideration the
nomination of Jean Flahive of Eastport, for appointment to the
Board of Trustees, University of Maine System.

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

YEAS	Senators	2	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	9	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Norton of Bangor, Thomas of Orono
NAYS		0	
ABSENT		2	Sen. Brennan of Cumberland, Rep. Murphy of Kennebunk

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 Jean Flahive of Eastport, for appointment to the
Board of Trustees, University of Maine System be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#353)

YEAS:	Senators:	None
NAYS:	Senators:	BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Jean Flahive** of Eastport, for appointment to the Board of Trustees, University of Maine System was **CONFIRMED**.

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

The Following Communication: S.C. 585

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

April 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Barry D. McCrum of Mars Hill, for reappointment to the Board of Trustees, University of Maine System.

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

YEAS	Senators	2	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	9	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Norton of Bangor, Thomas of Orono
NAYS		0	
ABSENT		2	Sen. Brennan of Cumberland, Rep. Murphy of Kennebunk

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 Barry D. McCrum of Mars Hill, for reappointment to the Board of Trustees, University of Maine System be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#354)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Barry D. McCrum** of Mars Hill, for reappointment to the Board of Trustees, University of Maine System was **CONFIRMED**.

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

The Following Communication: S.C. 586

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

April 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Margaret A. Weston of Yarmouth, for reappointment to the Board of Trustees, University of Maine System.

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

YEAS	Senators	2	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	9	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Norton of Bangor, Thomas of Orono

NAYS 0

ABSENT	2	Sen. Brennan of Cumberland, Rep. Murphy of Kennebunk
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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 Margaret A. Weston of Yarmouth, for reappointment to the Board of Trustees, University of Maine System be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#355)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Margaret A. Weston** of Yarmouth, for reappointment to the Board of Trustees, University of Maine System was **CONFIRMED**.

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

The Following Communication: S.C. 587

121ST LEGISLATURE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Charles L. Johnson III of Hallowell, for reappointment to the Board of Trustees, University of Maine System.

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

YEAS	Senators	2	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	9	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Norton of Bangor, Thomas of Orono

NAYS 0

ABSENT 2 Sen. Brennan of
Cumberland, Rep. Murphy of
Kennebunk

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 Charles L. Johnson III of Hallowell, for reappointment to the Board of Trustees, University of Maine System be confirmed.

Signed,

S/Neria R. Douglass S/Glenn A. Cummings
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#356)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles L. Johnson III** of Hallowell, for reappointment to the Board of Trustees, University of Maine System was **CONFIRMED**.

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

The Following Communication: S.C. 588

121ST LEGISLATURE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Paul J. Mitchell of Waterville, for appointment to the Board of Trustees, University of Maine System.

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

YEAS	Senators	2	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	9	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Norton of Bangor, Thomas of Orono

NAYS 0

ABSENT 2 Sen. Brennan of
Cumberland, Rep. Murphy of
Kennebunk

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 Paul J. Mitchell of Waterville, for appointment to the Board of Trustees, University of Maine System be confirmed.

Signed,

S/Neria R. Douglass S/Glenn A. Cummings
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#357)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Paul J. Mitchell** of Waterville, for appointment to the Board of Trustees, University of Maine System was **CONFIRMED**.

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

The Following Communication: S.C. 589

121ST LEGISLATURE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

April 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Victoria M. Murphy of Portland, for appointment to the Board of Trustees, University of Maine System.

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

YEAS Senators 2 Douglass of Androscoggin,
Mitchell of Penobscot

Representatives 6 Cummings of Portland, Davis of Falmouth, Fischer of Presque Isle, Gagne-Friel of Buckfield, Norton of Bangor, Thomas of Orono

NAYS Representatives 2 Andrews of York, Ledwin of Holden
ABSTAIN 1 Rep. Finch of Fairfield
ABSENT 2 Sen. Brennan of Cumberland, Rep. Murphy of Kennebunk

Eight members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Victoria M. Murphy of Portland, for appointment to the Board of Trustees, University of Maine System be confirmed.

Signed,

S/Neria R. Douglass
Senate Chair

S/Glenn A. Cummings
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#358)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Victoria M. Murphy** of Portland, for appointment to the Board of Trustees, University of Maine System was **CONFIRMED**.

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

The Following Communication: S.C. 590

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

April 12, 2004

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 Sara Gagne Holmes of Augusta, for appointment to the Loring Development Authority.

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	Senator	1	Hall of Lincoln
	Representatives	8	Sullivan of Biddeford, Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Jacobsen of Waterboro, O'Brien of Lewiston, Rogers of Brewer, Smith of Monmouth
NAYS		0	
ABSENT		4	Sen. Bromley of Cumberland, Rep. Duprey of Medway, Rep. Pellon of Machias, Sen. Shorey of Washington

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 Sara Gagne Holmes of Augusta, for appointment to the Loring Development Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy B. Sullivan
House Chair

READ and ORDERED PLACED ON FILE.

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 (#359)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Sara Gagne Holmes** of Augusta, for appointment to the Loring Development Authority was **CONFIRMED**.

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

The Following Communication: S.C. 591

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

April 12, 2004

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 Douglas F. Beaulieu of Madawaska, for appointment to the Loring Development Authority.

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	Senator	1	Hall of Lincoln
	Representatives	8	Sullivan of Biddeford, Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Jacobsen of Waterboro, O'Brien of Lewiston, Rogers of Brewer, Smith of Monmouth
NAYS		0	
ABSENT		4	Sen. Bromley of Cumberland, Rep. Duprey of Medway, Rep. Pellon of Machias, Sen. Shorey of Washington

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 Douglas F. Beaulieu of Madawaska, for appointment to the Loring Development Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy B. Sullivan
House Chair

READ and ORDERED PLACED ON FILE.

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 (#360)

YEAS:	Senators:	None
NAYS:	Senators:	BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Douglas F. Beaulieu** of Madawaska, for appointment to the Loring Development Authority was **CONFIRMED**.

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Clarify Legislative Pay" (EMERGENCY)
S.P. 806 L.D. 1961

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Speaker COLWELL of Gardiner and Senators: BRENNAN of Cumberland, BROMLEY of Cumberland, President DAGGETT of Kennebec, DAMON of Hancock, EDMONDS of Cumberland, MARTIN of Aroostook, PENDLETON of Cumberland, Representative: DUPLESSIE of Westbrook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Senator **ROTUNDO** of Androscoggin moved to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To License Home Building and Improvement Contractors"
H.P. 1137 L.D. 1551

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

Signed:

Senator:
SHOREY of Washington

Representatives:

AUSTIN of Gray
DUPREY of Medway
O'BRIEN of Lewiston
BERUBE of Lisbon
JACOBSEN of Waterboro
ROGERS of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-863)**.

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln

Representatives:

BEAUDETTE of Biddeford
SMITH of Monmouth

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

Reports **READ**.

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

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. This bill has come before our committee many times and in many revisions. What I want to do is lay out for you what the bill does and why I think it is so important.

This bill would license contractors. These are the people that build your homes. The people that, perhaps, frame your homes, put the siding on, the windows on, or the roof on. It would license those people that touch the health and safety issues of building a home. It would not license the guy or girl who fixes your back steps or paints your livingroom. It would not license sub-contractors, many of them are already licensed.

Why is this so important? In the committee, we heard compelling testimony from people whose lives had been absolutely ruined because of a bad contractor. They had put their life savings in the hand of someone disreputable. Not only did they lose their money, they also often would lose their home. Many were living in a motel because the home was totally unlivable. We felt many were targeted because of health issues. Many were ill. One of the toughest days I've spent up here was spent listening to this testimony.

Many might say that we've got this new building code, so why don't we let that stand? We have a building code. People should build to the code and if they don't we should take them to court. The remedy of going to court is expensive for individuals, as well for our own Attorney General when it gets to that level. It's also ineffective. If you take someone to court who has no money or who has left the state, you don't have a remedy. You still have your problem. Here is the ultimate irony, as I speak our

Senate staff upstairs is working on an issue for a constituent who has paid \$70,000 for a job to be done. The job is not done. The contractor has left the site. The constituent sees his truck around town, working on other jobs. He asks us, 'what can we do?' We say, 'Absolutely nothing.' We have no authority.

This bill would license contractors and it would give us the opportunity to say to Contractor #43 that they not only have to build to code but also they would also have to handle money appropriately. If they don't, there will be civil penalties or they will lose their license. No longer would we see that truck around town continuing to do horrendous work.

We license many things. In fact, you probably have on your desks a list of 133 of them. We license various professions because our role is to protect the public. We license accountants. In fact we're going to have another bill before us today making that more specific to get more protection for people. We license funeral directors. We license social workers. We license foresters. Many of us in here are license holders. We license manufacturers and sellers of lightening rods. We license photographers, real estate brokers, real estates sales people, real estates appraisers. Basically, who sells our home. It is very important they be licensed. Who makes our home, who handles our hundreds of thousands of dollars, we're not licensing them.

I have a quick quote from Howard Burnham, who is the chair of the Construction Technology Department at our own Community College. He says, 'I've seen numerous individuals enter the building trades with little or no training.' He also says, 'I've watched this process for many years. This bill is the best I've ever seen.' He urges us to pass it. He says, 'We are training students at SMCC and we have people going into this trade with absolutely no training.' He also says he's been called to redo jobs that have been inappropriately done and asks us to support this bill and I ask the same.

Same Senator requested a Roll Call.

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

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. The Senator from Cumberland, Senator Bromley, did a fine job in laying this out. As far as the licenses, first of all I think we license way too many things. Some of the things here are absolutely ridiculous that we license. Sometimes this seems like just another money grab from state government. That is not the case in this.

As you can see from the report, I voted Ought Not to Pass. The reason I voted Ought Not to Pass was, at the time, the committee was talking about something completely different. They were talking about licensing just roofers. That was all they were going to license; roofers. We hadn't had the opportunity to go into this particular bit of legislation as deeply and correct it for all the flaws that it had in it as we could. It came down that perhaps we should license roofers. I didn't think we should just license roofers. We have a majority report here. We didn't discuss it. We didn't take it apart. We didn't work this. I would agree with the good Senator from Cumberland, Senator Bromley, that there should be some sort of constraints, perhaps, put on some of these professions.

Our committee did a great job this year and I want to commend the good chair for doing something that has not been done as of yet, putting together a model building code for the

State of Maine. That is the first step. That wasn't a easy first step, but it was a first step and we were able to do that. The second step would be to put together a piece of legislation, a good piece of legislation, which would license builders and contractors. This is not it. This is something that was hastily put together as a minority report. I would suggest to you that if the good Senator would like to bring this forward during the next legislative session, that would be a good time to do it. Have two years to work it. Make it right. Don't do this just to pass something so you can go back and say to your constituents that there are now licenses.

If you look at the amendment, I believe it has a license cap of \$350 per year. That would be \$150 per year for a specialty license and \$100 per year for registration. The fiscal notes range from \$480,000 to \$1 million. This is not the way to do this. The way to do it is to do it properly. This is not the way to do it. I would request that you vote against the current motion and vote with me. Thank you.

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

Senator **SAWYER:** Thank you, Madame President. I've been in a running e-mail dialogue with a realtor in Bangor, whom I remind you is also under licensure provisions. He's opposed to the bill before us. I would like to pose a question through the Chair for anyone who is willing or able to answer.

THE PRESIDENT: The Senator may pose his question.

Senator **SAWYER:** Thank you. My constituent says, 'The Attorney General's review of the bill estimates the cost of this bill is up to \$10 million and has a potential additional \$40 million in costs passed along to Maine consumers.' My question, in the course of the discussion, has any estimate of the cost to consumers come up? Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Sawyer poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President. That initial estimate was on a bill that we had before us at the beginning of session. It is not an estimate of this amendment. The fiscal impact of this would be zero to the General Fund. There are considerable existing resources within the Department of Professional Financial Regulations that we would borrow from to do the start up. Again, there would be no General Fund impact. As with all licenses, this would be self-sustaining. There is no impact to the General Fund.

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

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. Although this may have minimal impact to the General Fund, it would have an impact to the economy in general. We would be taking money out of the economy and pouring it back into Augusta, which is something I don't think we should do. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Bromley 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 (#361)

YEAS: Senators: BRENNAN, BROMLEY, CATHCART, DOUGLASS, EDMONDS, HALL, HATCH, ROTUNDO, STRIMLING, TREAT

NAYS: Senators: BENNETT, BLAIS, BRYANT, CARPENTER, DAMON, DAVIS, GAGNON, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, SAVAGE, SAWYER, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Divided Report

The Majority of the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** on Bill "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies"

S.P. 767 L.D. 1930

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-510)**.

Signed:

Senators:
DAMON of Hancock
ROTUNDO of Androscoggin
WOODCOCK of Franklin
BLAIS of Kennebec

Representatives:

McLAUGHLIN of Cape Elizabeth
SUSLOVIC of Portland
TARDY of Newport
MILLS of Farmington
BARSTOW of Gorham
BOWEN of Rockport
O'BRIEN of Lewiston
KOFFMAN of Bar Harbor
BENNETT of Caribou

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush
MURPHY of Kennebunk

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-510) **READ**.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-510).

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator CATHCART for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Ensure the State's Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf"

S.P. 614 L.D. 1682

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

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

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Require Surety Bonding by Payroll Processing Companies"

H.P. 1369 L.D. 1843
(C "A" H-838)

In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-838)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-838) AS AMENDED BY HOUSE AMENDMENT "C" (H-902)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act"

H.P. 1457 L.D. 1958
(S "A" S-498; S "B" S-499)

In Senate, April 7, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-498) AND "B" (S-499)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-499)**, in **NON-CONCURRENCE**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **INSISTED**.

On motion by Senator **STANLEY** of Penobscot, the Senate **RECONSIDERED** whereby it **INSISTED**.

Same Senator moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **BROMLEY** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **STANLEY** of Penobscot to **RECEDE** and **CONCUR**.

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

ENACTORS

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

Emergency Measure

An Act To 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

S.P. 769 L.D. 1934
(C "A" S-487)

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

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

ENACTORS

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

Act

An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age

S.P. 801 L.D. 1960

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in 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. 1462

**JOINT RESOLUTION COMMEMORATING
THE VICTIMS OF THE DEVASTATING EXPLOSION IN
ARKHANGELSK, RUSSIA**

WHEREAS, on March 16, 2004, an early-morning natural gas explosion sheared off part of a 9-story apartment building in northern Russia; and

WHEREAS, the devastating explosion claimed the lives of 58 people and injured many others, shattering the lives and hearts of citizens forever in the community of Arkhangelsk, a White Sea port about 600 miles north of Moscow; and

WHEREAS, the State of Maine has enjoyed a relationship of growing importance with the community of Arkhangelsk for many years through the Sister City program and other exchanges; and

WHEREAS, news of this tragedy suffered by our friends has touched our hearts with deep sadness; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, on behalf of the people we represent, take this opportunity to extend our deepest sympathy and our condolences to the people of Arkhangelsk on the loss of life and casualties suffered by that community; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the officials of Arkhangelsk, Russia as a token of our sympathy.

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

READ and **ADOPTED**, in 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. 1463

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
OF THE UNITED STATES TO EXERCISE EXECUTIVE
PRIVILEGE AND AWARD THE PURPLE HEART TO THOSE IN
THE ARMED FORCES OF THE UNITED STATES EXPOSED
TO AGENT ORANGE**

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

WHEREAS, in 1961, the United States allowed Agent Orange, which contains the chemical dioxin, to be used in Vietnam to defoliate areas of jungle growth and to destroy crops; and

WHEREAS, 18,000,000 gallons of Agent Orange were reported to have been used in the Southeast Asia Theater of Operation, including Vietnam; and

WHEREAS, Agent Orange's use as a defoliant and crop destroyer was intended to inflict damage on or destroy enemy troops by depriving them of hiding places and food; and

WHEREAS, regretfully, the effects of Agent Orange spread to United States military forces serving in Vietnam, who were exposed to the chemical; and

WHEREAS, currently, thousands of United States veterans who served faithfully in Vietnam suffer from the effects of exposure to Agent Orange, which range from cancer to memory loss; and

WHEREAS, the Order of the Purple Heart for Military Merit, commonly called the Purple Heart, is awarded to members of the Armed Forces of the United States wounded or killed in battle; and

WHEREAS, the criteria for receiving the Purple Heart include injury caused by chemical, biological or nuclear agents released by the enemy and injury that is the result of friendly fire designed to inflict damage or destroy enemy troops or equipment; and

WHEREAS, American soldiers exposed to Agent Orange in Vietnam have received no medal or recognition for the injuries sustained by exposure to the chemical; and

WHEREAS, the fact that the United States Government, especially the United States Department of Veterans Affairs, provides medical treatment and financial compensation to American veterans who were exposed to Agent Orange and to their descendants clearly demonstrates that injuries from Agent Orange are deserving of recognition; and

WHEREAS, American soldiers suffering from the effects of exposure to Agent Orange in the Southeast Asia Theater of Operations should receive the Purple Heart in recognition of injuries sustained while standing in harm's way for their country; and

WHEREAS, Presidents of the United States have consciously and consistently denied these Vietnam veterans their right to receive the Purple Heart; and

WHEREAS, the Order of the Silver Rose, an informal society, exists for the exclusive purpose of recognizing those United States military personnel exposed to and suffering from the effects of Agent Orange as being deserving of the Purple Heart; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, George W. Bush, as Commander-in-Chief of the United States Military Forces, exercise executive privilege to right a wrong and order the Purple Heart awarded to those who were exposed to this cancerous agent while serving their country; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 594

121ST LEGISLATURE COMMITTEE ON JUDICIARY

April 13, 2004

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 Gregory M. Cunningham of Yarmouth, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Pendleton of Cumberland, Cathcart of Penobscot
	Representatives	6	Norbert of Portland, Bennett of Caribou, Bryant- Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Simpson of Auburn
NAYS		1	Rep. Sherman of Hodgdon
ABSENT		4	Rep. Duprey of Hampden, Rep. Gerzofsky of Brunswick, Rep. Mills of Farmington, Sen. Woodcock of Franklin

Eight members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Gregory M. Cunningham of Yarmouth, for appointment to the Maine Indian Tribal-State Commission 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 (#362)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Gregory M. Cunningham** of Yarmouth, for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 595

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

April 13, 2004

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 Karin R. Tilberg of Bowdoinham, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS	Senators	2	Pendleton of Cumberland, Cathcart of Penobscot
	Representatives	6	Norbert of Portland, Bennett of Caribou, Bryant- Deschenes of Turner, Bull of Freeport, Mills of Farmington, Simpson of Auburn
NAYS		2	Rep. Sherman of Hodgdon, Rep. Carr of Lincoln
ABSENT		3	Rep. Duprey of Hampden, Rep. Gerzofsky of Brunswick, Sen. Woodcock of Franklin

Eight members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Karin R. Tilberg of Bowdoinham, for appointment to the Maine Indian Tribal-State Commission 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 (#363)

YEAS: Senators: None

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

Representatives 9 Norbert of Portland, Bennett of Caribou, Bryant-Deschenes of Turner, Bull of Freeport, Carr of Lincoln, Gerzofsky of Brunswick, Mills of Farmington, Sherman of Hodgdon, Simpson of Auburn

NAYS 0

ABSENT 1 Rep. Duprey of Hampden

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of the Honorable Robert E. Murray, Jr. of Bangor, 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 (#364)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Robert E. Murray, Jr.** of Bangor, for appointment as a District Court Judge was **CONFIRMED**.

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Karin R. Tilberg** of Bowdoinham, for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

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

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

COMMUNICATIONS

The Following Communication: S.C. 596

121ST LEGISLATURE COMMITTEE ON JUDICIARY

April 13, 2004

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 the Honorable Robert E. Murray, Jr. of Bangor, 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	3	Pendleton of Cumberland, Cathcart of Penobscot, Woodcock of Franklin
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Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: H.C. 395

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

April 14, 2004

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority OUGHT NOT TO PASS Report of the Committee on TAXATION on Bill "An Act To Make Retirement Benefits More Equitable by Imposing a Surcharge on Income from Congressional Retirement Benefits"

(S.P. 616)(L.D. 1684)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

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

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 (4/13/04) Assigned matter:

Mandate

An Act To Change the Names of Certain Townships in the Unorganized Territory

H.P. 1425 L.D. 1925
(C "A" H-812; S "A" S-492)

Tabled - April 13, 2004, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812) AND SENATE AMENDMENT "A" (S-492)**, in **NON-CONCURRENCE**.)

(In House, April 12, 2004, **PASSED TO BE ENACTED**.)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (4/13/04) Assigned matter:

An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws
H.P. 1456 L.D. 1957
(H "A" H-866; S "A" S-502)

Tabled - April 13, 2004, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-866) AND SENATE AMENDMENT "A" (S-502)**, in **NON-CONCURRENCE**.)

(In House, April 12, 2004, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later (4/13/04) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY)
H.P. 1342 L.D. 1820

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-868)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-869)** (3 members)

Tabled - April 13, 2004, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUCH TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report, in concurrence

(In House, April 12, 2004, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)**.)

(In Senate, April 13, 2004, Reports **READ**.)

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. This has been a long road for us, particularly in the Legal and Veterans Affairs Committee. The first thing that I really want to talk about, in reference to this bill and this report, is that this is not a bill allowing or disallowing slot machines in the State of Maine. This is a regulation bill. I just want to repeat that because this is not a bill concerning whether or not Maine will have slot machines at race tracks in the State of Maine. That has already been decided by the people of the State of Maine. They approved the, so-called, racino bill last fall and there will be slot machines in the State of Maine. The law is currently on the books as we speak. This is a bill having to do with the regulation of those slot machines.

Under the current law, there are really two facilities that are eligible to have slot machines, as it could only be done at commercial racetracks. Those are the commercial racetracks at Bangor and Scarborough. In both instances, a local vote had to occur and the local municipality had to approve of the introduction of slot machines. The City of Bangor put it to a vote and the people of Bangor do want slot machines at Bangor Historic Raceway. The voters of Scarborough rejected it. The surrounding communities that were eligible for this rejected it. The window then closed, according to the law, so no one else is going to be eligible for slot machines, at least not without some other special bill before us in the future that would permit other slot machines in any other area of the state. Let just me emphasize, what we are talking about are slot machines just at Bangor Raceway. No other place in the State of Maine. There is no expansion possible under the current law. There is no expansion called for in this particular bill.

One of the problems with the current law is that it was written by the industry, specifically it was written by a company called Capital Seven who spent a great deal of money making sure that it got passed. They were successful. The advantages that they proclaimed such as drugs for the elderly and funds for the University of Maine and for our students going to the Community Colleges, were all in the bill. It was all there. One of the biggest pieces that was lacking was the regulation. What we currently have on the books, without any adjustment whatsoever, would create kind of a Dodge City in Bangor. A wild, wild west of gambling up there. The most lax regulatory law in the country with a very small percentage in the current law that would be afforded to public safety and to the people who work for us to regulate gambling in the State of Maine. Without this bill, that is what we would have. Dodge City right up in Penobscot County.

What we are attempting to do with this bill is to change that. That is the basis of this bill. This provides very strong regulations, in fact, if not one of the strongest regulatory agencies and laws within the country, comparable to what you hear about in the State of Delaware, as an example. Not the wild, wild west at all,

but something that the people of the State of Maine would demand and expect of us in terms of the regulation of slots. Not only that, it is what the industry ultimately wants in order to make sure that they understand that the people of the State of Maine understand that they are doing this as a serious business. They don't want Dodge City and all that it brings up there either.

There has been a lot of confusion about this bill and a lot of confusion about the players. Capital Seven, primarily run by a gentleman by the name of Shawn Scott, has a rather peculiar approach to politics in the State of Maine. In fact, as recently as this morning, I was personally attacked in a couple of newspapers for what we are trying to do. I'm glad that he spends that money on newspapers because they certainly need the revenue. It really has very little impact on any of us or the people of the State of Maine. We have a good bill here. In fact, Mr. Scott is now kind of a secondary figure in all of this. Another company, Penn National, has stepped up to purchase the rights from Mr. Scott and will be the operator of any slots that will be going to Bangor. Penn National is a publicly traded company. It has multiple facilities across the United States that run in a professional way, a responsible way. Take it from me, although they are very tough negotiators, they are a reputable company and they have good people working for them. Very knowledgeable about the industry. Very knowledgeable about the positive aspects of what this could bring to Maine and the negative aspects, including the fact that they support our contention that we have to have some type of system in place for what would be referred to as 'Gamblers Anonymous' or something like that, which we have in the regulatory piece. I would like to applaud the Bangor City Council and the City of Bangor for their connection with Penn National. If we are going to have success in Bangor with slot machines and have the type of facility that the people in that city can be proud of and generate the revenue for that city so the city can move forward from their heavy tax burden and move forward to potentially building a new auditorium in Bangor for all of those Class A, Class B, and Class C basketball championships, they have selected a good partner, I think. I applaud them for that.

Getting back to this bill. There is a lot of information here in this bill. I want to highlight, quickly, what it does. What this bill will do is support the creation of a five member gambling control board to regulate the operation of the slots. Currently the slot machines can go in at Bangor under the current law because all they needed was approval for harness racing at Bangor. A license was granted by the Harness Racing Commission, so there is currently a license to put slots in at Bangor. This bill would repeal that, taking that authority away from the Harness Racing Board, leaving the Harness Racing Board dealing with harness racing in the State of Maine and having gambling or slot machines controlled by this gaming board. That is the primary thing that this does.

That board is going to go through a very lengthy process of licensing anyone who is interested in having a slot license in the State of Maine. At this point that will be Penn National, who is the applicant. It must have a connection to harness racing. They must have a license to operate harness racing in the State of Maine. It requires that the license also receives approval from the municipality even if it they receive a license from the State of Maine. That approval will have to come year after year, similar to a liquor license. Any of you who are familiar with the way liquor licenses are approved, even though the state gives the license the local municipality would have to renew that year after year. It's an annual license renewal. License fees are steep, \$200,000

to get a license in the State of Maine to have slots at Bangor, and on an ongoing basis \$75,000 a year coming to the state to cover its costs and \$25,000 to the municipalities. We're going to make sure the municipalities have the resources annually to do the investigation of any problems that there might be. There will be a limit to the number of slot machines that they can have at Bangor. It's 1,500. They don't anticipate having that many in the first few years. Eventually it will get to that number. In fact, that number is capped statewide at 1,500 even if there were some other bill that would allow slot machines in some other place.

This bill also requires that this gambling control board make a decision in September. They have been familiarized with this amendment. They have been working on that with the Department of Public Safety. It's a short timeframe, but we did leave enough wiggle room in the bill that will allow the gaming control board, in concert with the licensee or applicant, to extend that to some future date if more time is necessary. The racino must enter into an agreement with the host municipality that provides the revenue sharing. In other words, the host municipality must actually have a contract. They currently do. Bangor does with Penn National. That needs to be maintained. There must be some type of revenue sharing arrangement in that. We also have a high pay out. Players that come to play slot machines at Bangor Raceway will receive no less than 89% of the revenues going into the machines, 1% of that will be going to the state to make sure we administer this as we need to and for our regulation costs. The remaining 10% will be divided up amongst a variety of players in the harness racing arena. That is what we have been spending most of our time on, this 10%. In fact this is what distinguishes the majority report from the minority report. It is my understanding, from what I've reviewed, that the minority report is almost identical in every way other than what this 10% is split up to. This 10% is not taxpayer money. It's money that is being put into these machines by players. Of that 10%, 3% of that will go to the General Fund for the administration of the expenses of the board, including gambling addiction and counseling services; 10% will go to supplement harness racing purses across the State of Maine; 3% will be going to the Sire Stakes fund. Those of you who are not familiar with the Sire Stakes, they are horses that are actually bred in the State of Maine. Of the original 10%, 3% will go to the Agricultural Fairs Support Fund; 10% to the Fund for a Healthy Maine, which was in the originally presented question; 2% to the University of Maine scholarships, which was also in the original bill; 1% for Community College scholarships, also in the bill; 4% to fund and encourage racing at Maine's commercial tracks. Most of that money will also be used to supplement purses. There will also be 2% to stabilize off track betting facilities, which will be reduced to 1% after four years with the remaining 1% going back to the General Fund; and 1% to the host municipality. We spent a lot of time on this breakdown and fiddled with it quite a bit. Essentially, the industry came together and determined what was best for their industry.

The committee got a lot of pressure from a variety of different sources. The one group that probably had more influence with the committee than any other was the Maine people, the horse people in the State of Maine. They were heavily involved with what this breakout was going to be, how we would support their industry, what this is going to do for their industry. They hope it is going to bring it from the ashes and harness racing will be come a viable agricultural entity in the State of Maine once again. The two big winners in this bill and in this whole program, as I

mentioned, are the horsemen. They will benefit dramatically, if this all comes to fruition the way everybody sees it happening. The other will be the City of Bangor and Maine people. Will Penn National generate profits? Of course they will. As any other business that comes into the State of Maine, they anticipate a certain return. They have been successful in other facilities. I have not visited them, we are trying to get to that at some junket but couldn't do that. From what we understand and the reports we get on those facilities is that they are very good.

Finally, I can't sit down without talking about the committee. The committee is comprised of a number of freshmen whose only interest is doing what is best for the people of the State of Maine. What a job they did. I'm terribly impressed, both with those people who are on the minority report and the majority report. This was all consuming. In fact, there was a newspaper article that said that almost \$100,000 was spent in lobbying activities in the month of January alone, on this bill alone. We were receiving phone calls at home at all hours, over the weekends. The committee held firm as to what they thought was the best arrangement for the industry, for the horsemen in the State of Maine, respecting the will of the people since they voted for slots in the State of Maine, and making sure that we had one of the highest levels of regulation in the country. I have a great deal of respect for each one of the committee members. I request, Madame President, that the Secretary read the report so that all of you can understand or know who those members are on the committee. I hope that you can support the majority report. Thank you.

At the request of same Senator, Reports **READ**.

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

Senator **LEMONT:** Thank you, Madame President, ladies and gentlemen of the Senate. I first would like to also start by complimenting the good chair, the Senator from Kennebec, Senator Gagnon. He did an outstanding job. This is the third time I have had the good fortune to serve on a committee that he chaired. I've always admired his work and have the greatest respect for him. Rarely did I agree with him though.

This whole process started in November when the citizens of the State of Maine voted in a citizen initiated referendum to authorize racinos at the two commercial tracks in the State of Maine. The good Senator is exactly right, Scarborough rejected that idea in the local vote. I respect the will of the people. I respect the citizen initiated referendum. What I'm afraid has happened here is that we have possibly created a casino at the Bangor Historic Raceway. The reason I come to that conclusion is because 80% of the revenues generated through gambling in a casino comes from slot machines. Bangor Raceway is going to have 27 races this year. Obviously a lion's share, or greater than 80%, is going to come from slot machines. It will have the same problems, potentially. Those being economic, social, and criminal. We're had that debate. The people spoke emphatically on that also. It's time to move on.

In January, this process started. The administration recognized that the citizen initiated referendum was lacking in licensing and administration. It also failed to provide funds for gambling addiction. At that time, we took that bill. I think we all agree that this citizen initiated referendum needed and received licensing administration. The minority, of which I am one of three,

had a problem with the distribution of funds. The majority report certainly does allocate funds for the Sire Stakes, purse supplements, agricultural fairs, the Fund for a Healthy Maine, scholarships for the Maine university system, and scholarships for the community colleges. As does the minority report.

My problem with the majority report is, and I hope you also share my problem with it, the distribution of the revenues. In the majority report, we're going to give five OTBs located throughout the state, when all the machines are up and running, \$1.65 million a year. We're going to give to the commercial racetracks almost \$3.3 million a year. That is going to be divvied up between the two commercial racetracks. It is going to be determined on race dates. If you take this year's racing schedule of 112 dates of Scarborough and 27 dates at Bangor, Scarborough Downs will receive \$2,560,000 a year. For what, I ask? Scarborough will not even be in Bangor's market area. The initiated referendum had no mention, no mention whatsoever, of revenue for the commercial racetracks nor the OTBs.

I'd like to touch on just one point. I feel it is an extremely dangerous precedent when we allow one gaming entity in this state to, in essence, fund their competition. We are requiring that Bangor Historic Raceway, once they have slots operating, to distribute money to their competition, the aforementioned racetrack and the OTBs. What is the argument here? Are they going to lose business? We don't know. We have no idea. I took the time to call the National Council of State Legislators to see if they had any information that would help me with this issue. They gave me two examples. One was that Louisiana is the only state that has racinos and OTBs. They have been in place for anywhere from six months to a year. They weren't comfortable saying if it had an effect on OTBs or was going to affect OTBs business. They did say that OTBs revenue did increase in the State of Louisiana. One other example is scratch tickets, which is also a form of gambling. Once West Virginia opened up their racinos, they saw an increase in their scratch ticket revenues for the first year of 13.7% and in the second year 12.6%. If it is a case of competition and if it is a case of OTBs and Scarborough Raceway losing business, and in essence, put them in jeopardy and cost us jobs in this state, why wasn't high stakes beano included in the majority report? They are within ten miles of the Bangor Historic Raceway.

Once again, I would like to reiterate. I think we all, in the committee, recognized the need to license and regulate this industry. In tight budgets, I think we can do better. We're talking about the fiscal note on this bill in the year 2006-2007 of \$830 million being generated in Bangor. There is a better way. I encourage my Senators to read the minority report. I would remind them, it's not Ought Not to Pass, it's Ought to Pass. Thank you, Madame President.

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

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to make a few brief remarks in support of the commercial racing fund. The people in my district voted for Question 2 because they wanted to save, revitalize, and restore Maine harness racing. In case you don't know, I have the Skowhegan Fair. We have a few days of racing every year. I've many horse people who live in my district and raise some of the finest racehorses in the state. Today Maine has fewer racing horses, fewer horse farms, and fewer days of live racing than it

had just a few short years ago. Introducing slot machines will reverse that decline only if some of the money is used to fund an increase in racing opportunities in Maine. That will lead to an increase in the number of horses and horse farms.

Question 2 by itself offered no reasonable assurance of increased racing opportunities. The revenues from the slot machines would have gone largely to an out-of-state company that operates a track that traditionally runs 26 days of live racing each year. Question 2 would have provided that entity with no incentive to offer more racing, which is a very expensive enterprise. As a result, the entire harness racing community asked the out-of-state owners of Bangor Historic Race Track and the Maine Legislature to create a fund, taking 4% from that out-of-state entity and distributing the money among the commercial tracks based on how much racing they offer. Everyone agreed that this fund is essential to saving Maine's harness racing, including the Legal and Veterans Committee, Capital Seven, Penn National Gaming, Maine horsemen, the Maine fairs, and the entire Maine harness racing community. Without this fund, Question 2 is about slot machines and funding out-of-state profits. With this fund, the slot machine business will fulfill its promise of preserving and expanding our great harness racing industry. This body has a proud history of supporting Maine harness racing. Future legislatures will point to the fund to encourage an increase in commercial racing in Maine as an important part of that proud history. Thank you very much.

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

Senator **GILMAN:** Thank you, Madame President, men and women of the Senate. I stand in opposition to the majority report. I feel I must speak on behalf of my constituents in Westbrook and the voters of Scarborough and Saco. They voted to keep slots out of their area. Because of this majority report, Scarborough Downs will be getting a percent of the funds from the Bangor facility. Technically, Scarborough Downs will be funded by the slots that the voters opposed. I urge you to oppose the majority report in favor of the minority report. Thank you, Madame President.

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise this morning in support of the motion, the majority Ought to Pass as Amended report. Serving on the Legal and Veterans Affairs Committee in the past has been rather an enjoyable experience. I cannot say that the last few months of serving on that committee have been enjoyable. In the last 24 hours, I have received 15 phone calls and 38 e-mails at home. I'm most appreciative to have left home this morning at 6:30 and I have not checked to see how many more e-mails I have received.

Basically this was as a result of something that appeared in the morning paper. The good Senator from Kennebec, Senator Gagnon, talked a few minutes ago about the fact that one of the groups involved, Capital Seven, had a company out of Houston, Texas call and e-mail to people in the State of Maine telling them to contact two members of the committee and tell them what a poor job they had done in the last few months. I think most of us in this particular chamber realize that when we get e-mail you

have to open it. It was interesting to find that none of the e-mail that I received and none of the telephone calls I've received in the last 24 hours came from my district. I have roughly 35,000 people in that district. They all came from Maine, but not from my district. A very interesting tactic used by those who would like to derail this whole process and get us back to Question 2.

The good Senator from Kennebec, Senator Gagnon, who did an outstanding job in moving this particular bill, L.D. 1920, through the committee as amended, was entirely correct. If we do not pass this particular bill and revert back to Question 2, it is a disaster. It is a complete disaster because it has no control of the gambling that would come to the State of Maine. It has been mentioned by some, in both printed word and verbally, that Penn National might not be the best group to run the racino in Bangor. To determine whether they were a good group or not, a number of the Bangor City Councilors as well as the City Manager took a trip, at their own expense, not at the expense of Penn National, to West Virginia to check out the racino there. They spent a couple of days there. They took people from Penn National out for dinner while they were there but Bangor paid the bill, not Penn National. They talked with the city councilors. They talked with the Police Chief. They talked with the sheriff. They also talked with a number of clergy. All of the people with whom they talked said that their experiences with Penn National were nothing but positive. The Bangor people came back and that is why they have been supportive of the committee and what it has been doing since then. The good Senator from Somerset, Senator Hatch, adequately talked about the influence of the harness racing community on this particular bill.

I would like to address one of the issues that the good Senator from York, Senator Lemont, made dealing with the OTBs. The giving of the money to the OTBs is something that the committee wrestled long and hard with. I think there are a couple of facts that have not come out thus far dealing with the OTBs. In recent years, the five OTBs in the State of Maine have generated over \$30 million for the harness racing industry. The Maine OTBs, currently are the highest taxed OTBs in this country. The five Maine OTBs represent almost 70% of the harness racing wagering in Maine and approximately 70% of the income to all of the benefactors of Maine harness racing. At one point it was thought they might be going to Scarborough but they are not and they will not be able to go to Scarborough without this body and the other body taking legislative action at some point in the future. It was felt by the committee that with slot machines at Bangor Raceway that there would be a decrease in the revenue of the OTBs. For the first four years they will be receiving some money from what is wagered at Bangor. After that four years the 2% figure will be reduced to a 1% figure.

I feel that what you have in front of you this morning, the Ought to Pass as Amended report, is the best that the committee could come up with at that time. I would urge your support.

Same Senator requested a Roll Call.

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

Senator **SAVAGE:** Thank you, Madame President, men and women of the Senate. I, too, am standing to ask for your support for the majority report. I speak to you as one who has been associated with agricultural fairs for more years than I want to even say. As a matter of fact, I can look down on the fairgrounds

from my house. My whole family has grown up as part of the fair. I'm also treasurer of the Maine Association of Agricultural Fairs and I'm an evaluator for the Department of Agriculture. We do evaluate the fairs to make sure that they are continually educating people on agriculture and not just a frilly carnival.

Through these positions that I've had, I can see that all of the fairs are struggling. I know, as a member of the Union Fair board, that we do have difficulty in encouraging the race horses because there is not enough to go around. I see this as a savior for the racehorse industry and all of the effects of the racing of horsing and the spin off from it. I'll ask for your support for the majority report. Thank you.

Off Record Remarks

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

Senator **SAWYER:** Thank you, Madame President. As the Senator representing Dodge, I wanted to make sure that my community goes on record on how they stand. In my former life, the notion of a host community had an entirely different meaning. It had to do with waste and landfills. I don't know if it applies, racinos and their horses have stuff that needs to be gotten rid of. In any event, I want to speak to the issue from the host community. I am fully appreciative if the residents of the City of Scarborough did not want to have a racino in their community. That's perfectly fine. I'm totally pleased and understand if the citizens Westbrook or Portland don't want a racino in their community. That's fine. Frankly, if the citizens of Wypitlock were to take a vote and not be in favor of a racino for their community, that would be fine with me. The citizens of my community, at a referendum vote, said, 'We are willing to deal with the downsides, possibly, and we certainly anticipate enjoying the upsides.' I want to be sure that Dodge City is about to put on the record that my community is fully in favor of this. I urge your support. Thank you.

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

Senator **LEMONT:** Thank you, Madame President, ladies and gentlemen of the Senate. I just want to take this opportunity to repute a few things that my good colleague and Senator from Sagadahoc, Senator Mayo, said. He said that he thought that some people would just be content to go back to Question 2. I don't think you'd find anybody in this state, anybody in this body or the administration, that feels that we ought to go back to what Question 2 proposed when it comes to licensing and regulation. I think we are all in agreement with that. Also, I'd like to repeat the figure that he used when talking about OTBs one more time. We're talking about \$1.6 million for the third year, \$1.6 million for the fourth year, and the out years would be 1%. I'm sure they anticipate their business growing, that being that the casinos will be additional revenues. There could possibly be \$1 million a year for perpetuity. What a good deal. I own a small video store in the town of Kittery. We're not a big chain. My wife and I run the business. We have to work a lot of the hours. We can't afford to

hire that many people. Movie Gallery moved to town. It was devastating. It was tough. We didn't run to Movie Gallery and say help us out. They were the competition. We got leaner and we got meaner and came up with some marketing strategies. I feel we do a better job. We survived and have employed four people in our community. We continued on. Giving the OTBs and Scarborough Raceway millions of dollars does not motivate them to do a better job. It does not motivate them to be lean and mean and compete with their competition. That is what we should be fostering in this state. As the good Senator from Sagadahoc, Senator Mayo, said, the reason we did this was because we felt that we should do it. It was a feeling. I hope we don't budget the State of Maine on feelings. Thank you, Madame President.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. Let me first explain that the percentage breakout of this 10% was on a basis of what the industry came up with themselves. The industry had included OTBs. The industry had included the commercial track. All of these people sitting in a room unanimously came up with this distribution of funds. The money comes from the players. The money comes from Penn National. The committee carefully looked at these alternatives, including the alternative of high stakes beano. We understood that the reason why high stakes beano wasn't included in their proposal was because high stakes beano has not contributed in any way to harness racing in the State of Maine or to the horse owners in the State of Maine. That is why, ultimately, even though I supported the idea of them being in, the committee and the majority of the committee chose that they shouldn't be because of the concept or the philosophy behind what the industry did was those entities that support the horsemen in the State of Maine needed to be part of the mix. OTBs have been a strong supporter of harness racing in the State of Maine and ultimately of agriculture. They have the highest rate in the country of what they turn over year after year. In fact, we had a bill last session that would allow slot machines at the OTBs. It passed overwhelmingly in the House and the Senate. Why? Because we love OTBs? No. Because you knew what it would do for harness racing in this state. They will continue to do that for harness racing in this state. That's what the horse people want to make sure happens and continues. Why the commercial tracks? Horse people don't want to just raise horses and get money to do that. They want to race. That is what it is all about. They want to make sure there are more races, that there are better purses that will bring more horses from out-of-state, and that people who live in Maine and have horses out-of-state will bring those horses to Maine. In fact, I have a gentleman who works with me in Waterville who owns a horse. That horse has never seen the State of Maine. The purses aren't good enough. If you are going to invest that type of money, get involved with that, you go to races in up state New York and train in Tennessee. He came by my office in Waterville and said that if this passes the horse is coming to Maine this summer. Wonderful. That's what we are trying to do. That is what we are trying to achieve. Places to race. Make sure they remain viable. Make sure the input of cash that comes into harness racing remains there. That is what this is about.

What is the alternative if we don't give this money to OTBs, we don't give it to the racetracks? We can give it back to Penn National. They don't need it. They would like it. They are from out-of-state. The state could keep it. We've got what we need. We've got more than we need to administer this program at this point. Who's left? Give it to the horse people themselves? They don't want that. They've already said that. They want to continue the support of the OTBs, who will continue to support them well into the future. They want to make sure that the commercial tracks, all the tracks in Maine, continue to have race dates so they can race these gorgeous animals. That is what it is all about. That is why the committee fell where they did. What is the alternative? This isn't taxpayer money that is going out. If that was the case I'd say to return it to the taxpayers. This is about the industry. Protecting the industry. Any gaming that is done in the State of Maine needs to be linked in some way through some entity and harness racing has that link and they deserve this type of protection. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Gagnon to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-868) 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 (#365)

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

NAYS: Senators: BENNETT, DAVIS, GILMAN, HALL, LEMONT, NASS

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-868) **READ**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President. I offered this amendment this morning. I do believe the committee did do a very good job in regulating this industry. I have to commend them for that. What is on the books, or will be on the books if this passes, is much stronger than what would have been there. I have been a strong opponent of having a racino, of having a casino in the state. If we have to do it, they have found the right way. However, I do believe there is one piece of this bill that is unfortunate. That is the amount of money that we're receiving. When you look at other states like New York, which receives 71%, or Rhode Island, which receives 59%, you start to see that the State of Maine is not getting its fair share through this bill. We are facing serious budget cuts in the state and serious funding shortfalls. I believe we should use every opportunity we can bring in additional revenue, especially in this industry when the profits are so large for those companies that choose to open up. This adds on just 3%, just an additional 3% for the state. Half of that will go into property tax relief programs and the other half will go into general assistance. It leaves everything else as is. It's just an additional 3% for property tax relief, circuit breaker program, and general assistance. They are our most needy citizens and we need to make sure that we take care of them. I encourage you to support my amendment. Thank you.

Senator **GAGNON** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868).

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. As I explained earlier, and the good Senator is correct in what the percentages are, it gets somewhat complex, but the difficulty in Maine is that it's a different market. This is not Miami Beach. This is not New Orleans. This is Bangor, Maine. It is a very limited market. The return that has been required to make this type of entity that we want should be there. It was not the committee's intent to create this type of Christmas tree. Gee, here's money coming into the state. Let's take it and use it to fund all this. They are all very good things. No doubt about it. We could probably list another 20 on top of what the good Senator mentioned. We did not want to create that type of Christmas tree. We really wanted to take the money that was involved, provide the regulation that we needed, make sure that it was paid for, and then make sure that the bulk of the money goes back to the horse people. To see that they win from this whole effort and all the time and effort that they have committed and the years and years of being in the business. If we take more from the project will we risk the project? Possibly. We could risk the whole project. We're told we will have to find out. It could certainly delay it. Ultimately that amount of money would come from the horse owners, the horse people. They are the ones who have done the heavy lifting on all this and are the people we have listened to the most. I would encourage you to indefinitely postpone this amendment. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#366)

YEAS: Senators: BLAIS, BRENNAN, BROMLEY, CARPENTER, CATHCART, DOUGLASS, EDMONDS, GAGNON, HATCH, KNEELAND, MAYO, MITCHELL, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, DAMON, DAVIS, GILMAN, HALL, LAFOUNTAIN, LEMONT, MARTIN, NASS, STRIMLING

ABSENT: Senator: BRYANT

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **GAGNON** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868), **PREVAILED**.

On motion by Senator **GILMAN** of Cumberland, Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868) **READ**.

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

Senator **GILMAN:** Thank you, Madame President. My amendment is simple. It takes money from the off-track betting facilities, money that was not approved by the citizens of Maine, and moves it to the Agricultural Fair Support Fund within the bill, a proposal that was approved by the voters. The amendment retains the 1% of the off-track betting monies that will move to the General Fund after 48 months have passed. L.D. 1820, as originally drafted, created a fund for agricultural fairs only. The majority report now gives a portion of the Agricultural Fair Support Fund to commercial tracks. My amendment seeks to make agricultural fairs whole while halting the subsidies to the off-track betting monopolies. Agricultural fairs are crucial to Maine's landscape. They are part of our Maine heritage and history. At a time when young people are hesitant to choose an agricultural career, we need these fairs to carry on an important tradition. Thank for this opportunity. I hope you will support the amendment.

Senator **GAGNON** of Kennebec moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#367)

YEAS: Senators: BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HATCH, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, TREAT, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, DAVIS, GILMAN, HALL, KNEELAND, LEMONT, NASS, SHOREY, STRIMLING, TURNER

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868), **PREVAILED**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-868), in concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/04) Assigned matter:

Bill "An Act To Implement the Recommendations of the Governor's Task Force on ATV Issues" H.P. 1413 L.D. 1912

Tabled - April 13, 2004, by Senator **CARPENTER** of York

Pending - motion by Senator **BRYANT** of Oxford to **ADOPT SENATE AMENDMENT "A" (S-509) TO COMMITTEE AMENDMENT "A" (H-881)**

(In House, April 12, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881).**)

(In Senate, April 13, 2004, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-881) **READ**. On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-509) to Committee Amendment "A" (H-881) **READ**.)

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-509) to Committee Amendment "A" (H-881) **ADOPTED**.

Committee Amendment "A" (H-881) as Amended by Senate Amendment "A" (S-509) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881) AS AMENDED BY SENATE AMENDMENT "A" (S-509)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until 2:30 in the afternoon.

After Recess

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:

Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY) H.P. 1342 L.D. 1820

Tabled - April 14, 2004, by Senator **GAGNON** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-868)**, in concurrence

(In House, April 12, 2004, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868).**)

(In Senate, April 14, 2004, at the request of Senator **GAGNON** of Kennebec, Reports **READ**. On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report, **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-868) **READ**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868) **READ**. On motion by Senator **GAGNON** of Kennebec, Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868) **INDEFINITELY POSTPONED**. On motion by Senator **GILMAN** of Cumberland, Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868) **READ**. On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868) **INDEFINITELY POSTPONED**.)

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "C" (S-515) to Committee Amendment "A" (H-868) **READ**.

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

Senator **MAYO:** Thank you, Madame President, men and women of the Senate. Senate Amendment "C" (S-515) deals with an issue that was talked about this morning and that is how and under what conditions are we going to control and know what is going on with regard to the slot machines that will be at the racino in Bangor. This amendment that you have before you establishes a procedure for deciding what type of control procedure we shall have. It puts the ultimate decision making within the board that is established by Committee Amendment "A" (H-868). The reason that we are moving in that direction is that there is a strong difference of opinion on the issue of control, whether the State of Maine should go with what is called a control system or whether it should go with what is called a monitoring system. There are also issues within both of those systems. The committee really does not feel that it is qualified to just make a decision without really looking at both of these systems. I talked with somebody in the State of West Virginia and in the State of Delaware. Frankly, I came away very confused because we were talking about the same thing but they were telling me different things. We really feel that this should be passed to the board. This amendment comes to you this afternoon with the endorsement of the commissioner, Commissioner Cantara, speaking for the Chief Executive. I would hope that you would adopt this amendment to Committee Amendment "A" (H-868). Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I do encourage your support of this amendment and appreciate the good Senator from Sagadahoc, Senator Mayo, for putting it forward. This was a level of micro-management, for us at the committee, that involved with a great of detail that we weren't prepared for in regards to what kind of operating system this was going to have and whatnot. With the strong vote this morning, we will create a board who is going to specialize in these types of issues and it seemed wise to allow them to come up with the actual system that we're talking about. I really appreciate the Commissioner's involvement in trying to get us there. Keep in mind that the board will be nominated by the

Chief Executive and approved by this Body. I am going to trust them to come up with the proper system. If we don't make this change in the system that would have to be in place, there may be quite a bit of money spent on behalf of the state and others that may not have been the best investment. Once you head down that path, it might be difficult to change it if it isn't the best system, the right type of monitoring or regulation that we really want. We thought this was actually a very good approach to managing this. Again, I appreciate the Commissioner's involvement in this. I would encourage your support.

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

Senator **STRIMLING:** Thank you, Madame President, men and women of the Senate. I guess I feel a little frustrated that this is coming at the last minute. We voted on a bill earlier that we spent a lot of time working on trying to come up with a compromise. I think that it was a strong bill. Now, at the last minute, we're coming in with this controlling authority, which is one of the most important pieces of this, in an amendment that the committee was willing to go to. Now, all of a sudden, we're just offering it up on the last day, at the last minute, at the end of the session. That doesn't feel very comfortable. I'm trying to read this pretty quickly. It takes a little while to absorb it. I want to say that this doesn't feel very appropriate. To that end, unless I feel comfortable after this debate, I will vote against this. I just wish I had more time. I would like to pose a question to the chamber.

THE PRESIDENT: The Senator may pose his question.

Senator **STRIMLING:** Letter "D" on here, in section 10041, it says that they must; d. allow the slot machine operator to install independent playing tracking systems to include cashless technology as approved by the board. I hope that does not mean people can put their ATM card in and watch their bank account disappear.

THE PRESIDENT: The Senator from Cumberland, Senator Strimling poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, men and women of the Senate. To the best of my knowledge, and this is in answer to the good Senator from Cumberland, Senator Strimling's question, that does not apply and credit cards are not involved. In answer to your overriding question, I, too, share some frustrations, but as we all know, once a bill leaves a committee, and this bill left the Legal and Veterans Affairs Committee some time ago, it is impossible to make any changes. This was an ongoing discussion as the bill left the committee. It has been an ongoing discussion since. The amendment could not be offered until this body voted on L.D. 1820 as amended by Committee Amendment "A" (H-868). Then, and only then, could this amendment come forward. While it has been talked about for a good two weeks as a committee, we were not able to do anything at that time. While I sympathize with the expression of the good Senator, sometimes we are bound by the system that we have established.

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

Senator **SAWYER:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to add two-cents from Six Gun City again. One of the reasons why the City of Bangor is in favor of a central monitoring system is because, in effect, this system has been used by other states that have very mature and highly regulated rules surrounding this. Those include Nevada, New Jersey, Illinois, Mississippi, Iowa, and Missouri. So this is not virginal technology. This is something that has been around for a while and worked quite well and frankly, it is supported by my community. I would add as kind of a serendipitous point, if you will, for those of you who are opposed to the whole thing, the opposite to central monitoring is the notion of what is called central control. Central control involves a lot more technology. It is a so-called two-wire system where one wire literally goes to the state. Let me point out, ironically, the other system to this, the central control system, may actually make it easier to expand gambling in the State of Maine because the infrastructure becomes available. In fact, in West Virginia, where a state-wide cap on these terminals actually exists, small businesses are allowed to own and operate up to five machines. With some irony, a central monitoring system actually should reduce the number of machines that end up around the State of Maine. I would urge your support of the amendment in front of you. Thank you.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. We've had well over a year's worth of debate on the fundamental question that is before us today, which is should we have racinos in Maine and how should they be regulated? In November of last year, six months ago, the people of Maine, in a narrow vote, approved the racino legislation that was put before them. A narrow vote despite the huge sums of dollars spent on behalf of its passage and no organized opposition to speak of.

The committee has been working on this bill now for at least three months. They have dealt with a lot of various issues. I compliment them on their persistence in their work. It looks like the work on this bill is not done. In fact, it's never going to be done because we are treading on ground that we know very little about here in the State of Maine. Ground that this amendment acknowledges, I think, by its very existence. It is treacherous. I don't like the direction the people of Maine decided to take us with respect to the racino last November. I have to say I'm unhappy with the fact that we are going to have to deal with this not only the pernicious public policy aspects it, but the state management of it, for many years to come. I think the fact that this amendment is before us and wasn't dealt in a timely fashion by the committee isn't a reflection of the fact that the bill left the committee two weeks ago, it's a fact that this bill is just not ready yet. We don't know where we are going. With all deference to the committee and the efforts they have put into it, the effects of this legislation are too wide open for me.

I'd like to believe my colleague, the Senator from Penobscot, Senator Sawyer, that this central monitoring system is in some way going to reduce or be a better alternative to the expansion of racino gambling or slot machines in Maine than the

alternative. Unfortunately, I don't have enough information to accept that on face value. In fact, I read this and I see this as creating an infrastructure which is transferable in its application easily to the expansion of slot machines in Maine whether they are at another racetrack somewhere else or whether they are at a not-for-profit organization for which we are going to be taking up another bill that apparently emerged from the committee expanding slot machines to anybody who claims that they are a not-for-profit in this state. The effects in this legislation are very far reaching. We just don't know enough. If I had my druthers I'd send the whole matter back to the committee and have them continue to work on this. I'd put a hold on the implementation of the racino legislation. That doesn't seem to be an option. Certainly it doesn't in this body based on the votes of earlier today. At the very least, I can object to this amendment, and by so doing, object to the process by which this legislature has tackled this important issue.

Same Senator requested a Roll Call.

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

Senator **STRIMLING:** Thank you, Madame President. I do appreciate what the good Senator from Oxford, Senator Bennett, was saying. I voted for this bill when it first came through because I felt that what the committee had done was much better than what was originally in place. If this amendment gets put on, that very much jeopardizes whether I'm going to support this as it gets the final moment of voting. I would ask again, I really need to hear whether this part "D" including cashless technology means that people can put their ATM into a slot machine and watch their bank account disappear, or even worse, put their credit card in a slot machine and money they don't have disappear. That is a vital issue in the conversations about casinos. They want to make it as easy as possible for people's money to go away, even money they don't have. All of a sudden, at the last minute, we're getting a provision that says it must allow cashless technology. I hope that somebody can answer that question before we are let go out of this body.

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 Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President. Sadly, I agree with my colleague from Cumberland, Senator Strimling. I need more information. I would sadly move to table this item until later in this session so we can have a discussion.

THE PRESIDENT: The motion to table is not in order. The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Madame President. I, too, share the concerns of the Senator from Cumberland, Senator Strimling, regarding letter "D". It doesn't seem to be that anybody has an answer to the question. So I move that letter "D" from this amendment be stricken and the letters be re-lettered to accommodate that.

THE PRESIDENT: The Chair would advise members that it has not been the practice to accept verbal amendments from the floor on issues as complicated as this. If there is an interest in tabling it pending a new amendment, that tabling motion must be offered without debate.

On motion by Senator **LAFOUNTAIN** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **MAYO** of Sagadahoc to **ADOPT** Senate Amendment "C" (S-515) to Committee Amendment "A" (H-868). (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later (4/13/04) Assigned matter:

An Act To Promote the Public Interest by Providing for Reasonable Rates of Compensation for Forest Products Harvesting and Hauling Services

H.P. 972 L.D. 1318
(H "A" H-864 to C "C" H-848)

Tabled - April 13, 2004, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 9, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-848) AS AMENDED BY HOUSE AMENDMENT "A" (H-864)** thereto, in concurrence.)

(In House, April 12, 2004, **PASSED TO BE ENACTED**.)

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. Just for the record, there was discussion of exempting this bill from the Appropriations Table. A majority of the committee voted yesterday to exempt the bill. In the meantime, I have received a letter from the chair of the State Board of Arbitration and Conciliation, Shari B. Broder. She states the need for this fiscal note is for \$4,200 in funding to conduct rulemaking and goes on to state that the BAC, while they do plan to conduct rulemaking on the bill, they do not anticipate beginning that process this year. Therefore, I believe that it is ready to be enacted. Thank you, Madame President.

Senator **MARTIN** of Aroostook requested a Roll Call.

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. We have yet another opportunity to consider the potential impact of this legislation. I think it's important, once again, to recognize the validity of the business dispute that exists between the enterprises contemplated in this legislation. I respect that, but I also think it's very important that we must consider the consequences of this type of legislation, particularly the unintended consequences of this legislation.

As I understand it from our conversations in the hallways and from the testimony that we heard in our committee and from the various permutations of this legislation since our first regular session; it's aimed at a single business relationship between many small businesses and a particular landowner in Aroostook County. One of the unintended consequences of this legislation as it is drafted is that it pulls in two other landowners who, as I understand it, have very good relationships with their loggers and haulers. I think we need to keep the potential disruption to their business in mind. It also leaves out others who also meet the size criteria, the 400,000 acres that is contemplated in the legislation, because their land holdings span labor market areas. They are not all in one labor market area. I think that this points to a concern that we should have with legislation that is intended and manipulated to specifically target a specific company with legislation that has the potential to have an impact statewide.

Another unintended consequence of this legislation arises from the fact that the rate-setting board has a 30-day process, at minimum, for establishing these rates. I think that 30 days could have the potential to create a serious disruption in the pulp supply for our mills. What happens when a mill puts in an order with a landowner and says they need a certain amount of pulp but the landowner is forced to say they will not be able to do that because they have to go and set rates that will take a minimum of 30 days to establish. That, in turn, has the potential unintended consequence of increasing the cost of pulp for all of the mills in our state. We already know that it costs more for our mills and our forest products industry to do business in Maine than in the other venues where they are engaged in the United States. Here we have legislation, at a time when we're doing our best to keep our mills here and keep their good paying jobs here, that has the potential to increase the cost even more for doing business here in Maine for our papermills. This may eventually result in the loss of those good paying jobs that we're all struggling so hard to keep here in Maine.

I would encourage my colleagues in the Senate to, please, oppose enactment of this legislation. Thank you very much, Madame President.

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 have a few remarks in response to the good Senator from Kennebec, Senator Blais. My sense is that if a company already has good relationships with loggers and haulers, they will still have those good relationships. There is nothing in this bill that will hamper that. Any two entities that have worked out decent arrangements with one another will not be interfered with. Further, if pulp is needed, the existing rates that are being paid to those loggers and haulers will be enforced until rate setting is done. I don't think that will inhibit the flow of pulp to mills. I guess, further, I just want to remind people that people in this room have been waiting a long time for a good resolution to this issue. I think we should not delay any further and move immediately to enact this legislation that is so important to people. Thank you.

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

Senator **MARTIN**: Thank you very much, Madame President and members of the Senate. I'd like to first respond to the comments of the Senator from Kennebec, Senator Blais. This bill actually works the reverse and that is the reason why it's drafted the way it is. If there are relationships that work well, there will not be an issue and this won't even come into play at all. As far as whether or not there are problems with other companies, the other two that have been included in this bill because of the way it is drafted and we know why it is drafted that way, that is a question that should be asked to some of the people in the back of the room. I know some have had problems. Not that we need to have a debate as long as we did the last time, I would simply like to point out that I think that one of the things that is most important is that there be an opportunity for people to have the ability to get together. I can assure you that the three weeks that people in my area were out of work did not benefit anyone. It didn't benefit the owner of the land. It didn't benefit the company. It didn't benefit the people who were out of work, the loggers and the cutters. This provides a mechanism for that not to happen. Frankly, this legislation may never ever be implemented if, in fact, the company sits down with these people and works out their differences. This provides a mechanism, a safe guard, and an ability to deal with the problem if one exists. That is why these people are here. I would appreciate your vote today.

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 Kennebec, Senator Blais.

Senator **BLAIS**: Thank you, Madame President, men and women of the Senate. I'd just like to clarify how one of these rate-setting proceedings takes place. It is by petition. I respect the characterization of both the Senator from Cumberland, Senator Edmonds, and the Senator from Aroostook, Senator Martin, with respect to that, but just reading from the legislation itself, it says here that a petition may be filed by any entity representing at least harvesters or haulers. So all it takes is three harvesters or haulers to get together and decide that they want to be paid more or that they don't like the rate that they are getting to impact an entire industry. Thank you.

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I'm a bit dated now on my labor matters, having been off the committee for nearly two years, but it seems to me what we're being asked to approve is to allow independent business to collude and set rates. The committee of jurisdiction has been given comfort by an opinion from the Attorney General suggesting that this is allowable because the state would be involved and that somehow this makes them immune from federal anti-trust liability. The Attorney General does go on to say that, while it is his opinion, to please bear in mind that the U.S. Department of Justice and the Federal Trade Commission, not his office, are the agencies charged with enforcing federal anti-trust laws. My long recollection on these matters, with respect to setting prices, would strongly suggest to

me that the activity is illegal and your supporting this bill would not change that. I would urge that you oppose it. Thank you.

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

Senator **MARTIN**: Thank you, Madame President. I just need to quickly respond to the good Senator from Cumberland, Senator Turner. In fact, if there is a question that leads to that level, it obviously will not be raised by the men and women in this room but by the corporations who have a lot more money and a lot more ability to get that to the courts. If that happens, that will be a step that probably they will want to take and will take. I firmly believe that the Attorney General has written an opinion that is accurate and I think will withstand the pressure that may come from the other side.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary called the roll with the following result:

ROLL CALL (#368)

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

NAYS: Senators: BENNETT, BLAIS, CARPENTER, CATHCART, DAVIS, GILMAN, KNEELAND, 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, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

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

Bill "An Act To Clarify Legislative Pay" (EMERGENCY)
S.P. 806 L.D. 1961

Tabled - April 14, 2004, by Senator **TREAT** of Kennebec

Pending - motion by Senator **ROTUNDO** of Androscoggin to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**

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

Senator **ROTUNDO** of Androscoggin requested and received leave of the Senate to withdraw her motion to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ ONCE, without reference to a Committee.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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.

The Chair laid before the Senate the following Tabled and Later (4/8/04) Assigned matter:

HOUSE REPORTS -from the Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Public Health and the Environment by Providing for a System of Shared Responsibility for the Safe Collection and Recycling of Electronic Waste"
H.P. 1402 L.D. 1892

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-861)** (9 members)

Report "**B**" - **Ought Not to Pass** (3 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "B" (H-862)** (1 member)

Tabled - April 8, 2004, by Senator **TREAT** of Kennebec

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861)**, in **NON-CONCURRENCE**

(In House, April 8, 2004, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES**.)

(In Senate, April 8, 2004, Reports **READ**.)

On motion by Senator **TREAT** of Kennebec, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861)** **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-861) **READ**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-516) to Committee Amendment "A" (H-861) **READ**.

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

Senator **MARTIN:** Thank you, Madame President. This bill has been worked on probably as much as one other bill that came out of committee. Frankly, we struggled and tried to find a direction on how to deal with this problem. We believe we have one. This amendment is a corrective amendment. It changes the date that was an error in the original committee amendment that came out. In addition to that, it provides that the department will promulgate some rules to deal with an issue that is near and dear to some of our hearts, and that is the companies that will simply go out of business and vacate and not be available. Keep in mind that if this legislature does nothing with e-waste the burden will fall directly on the municipalities because of our laws and because of what we've done for the last 20 years. This is a mechanism to deal with this. There are some, of course, in some part of the industry that aren't happy. I can assure you that by the time it is implemented they will come on board. Many in that industry have come forth and have worked with us in putting this package together. I would urge you to adopt Senate Amendment "A" (S-516) to the Committee Amendment.

On further motion by same Senator, Senate Amendment "A" (S-516) to Committee Amendment "A" (H-861) **ADOPTED**.

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I've been following this issue from afar and I want to add my voice in support to this report from the committee that we are considering with this amendment. There is no question that whatever you want to call this, e-waste or electronic waste, is increasing the more that we, as a society, depend upon computer monitors or television monitors in our daily business. I've seen figures that suggest that electronic waste grows by 1,000 units per year in this state. The number of obsolete computer monitors and televisions are estimated to reach one million by 2010. I think it's very important that the cost that such waste implies for society are recognized at the front end of their usage. Frankly, there is no better way to encourage manufacturers to seek the least wasteful technologies in presenting their new technologies society than to impose the cost of their disposal at the front end in their manufacturing, thus forcing them to internalize cost which would be externalized to the rest of us, whether we're wearing our consumer hat or our municipal citizen hat. I think that this is the right path for Maine. It's leading us in a new direction.

I will say, also, that I've received some other information from some who are concerned about this bill. One of my favorite shops that my family and I would not do well without, Marden's Surplus and Salvage, which is near and dear to my heart, had weighed in here. They suggested that this could be injurious to their business. I have to say that I think that the material that has been handed out from them reflects, perhaps, an earlier version of this bill, which doesn't incorporate the concerns that the committee recognized and fixed in this particular report. I think, and I hope, that their concerns are misplaced. I very strongly

urge the Senate to adopt this committee report and this amendment.

Same Senator requested a Roll Call.

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

Senator **SAWYER:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise in support of the bill before you. Manufacturer responsibility is the future. One could argue that it started in Maine with the bottle bill. It certainly has moved on to automobile manufacturers and now we're looking at electronics. For those who fear this is a anti-business, or similar text, I'd like to just quote one line from Hewlett Packard, who, to their credit, worked with committee from the very beginning. Hewlett Packard says, 'This bill represents a sound and balanced approach to the recycling of computer monitors.' From my perspective, this is a free market approach. It's a simple question, I think, to the manufacturers of a broad range of commodities. Who would you rather have design the sustainability of your product? Would you and your design engineers like to design it or would you like me and my fellow politicians to design it for you? The answer is clear. There are several manufacturers who believe this is an appropriate approach. I urge your support for the motion. Thank you.

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 of Committee Amendment "A" (H-861) as Amended by Senate Amendment "A" (S-516) thereto. 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 (#369)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, Committee Amendment "A" (H-861) as Amended by Senate Amendment "A" (S-516) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861) AS AMENDED BY SENATE AMENDMENT "A" (S-516)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/13/04) Assigned matter:

Bill "An Act To Encourage the Proper Disposal of Expired Pharmaceuticals" (EMERGENCY)

S.P. 671 L.D. 1826

Tabled - April 13, 2004, by Senator **BRENNAN** of Cumberland

Pending - motion by same Senator to **ADOPT SENATE AMENDMENT "A" (S-506) TO COMMITTEE AMENDMENT "A" (S-474)**

(In Senate, April 13, 2004, on motion by Senator **BRENNAN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-474) **READ.** On motion by same Senator, Senate Amendment "A" (S-506) to Committee Amendment "A" (S-474) **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 hope you will support the pending motion. I just wanted to make a couple of clarifying comments about the amendment that was presented to the bill. The amendment really does a couple of things. One, it clarified what we called in the committee 'the implementation committee follows the study guidelines that we have in the legislature.' It conforms that implementation committee more closely with the study guidelines. Secondly, it also clarifies that the implementation committee will make a report back to the Health and Human Services Committee in January of next year on the findings and recommendations that they may have. One of the things I will say, as we went through this bill, as a committee and worked on the bill, there were several issues that need to be resolved and need continued work. It gives me some comfort moving forward with this bill knowing that this committee is going to come back and report to the Health and Human Services Committee and they will have the opportunity to make any adjustments that are necessary.

Substantively, this is a great bill. It addresses a growing problem not only in Maine but across the country. I want to complement the good Senator from Cumberland, Senator Bromley, for bringing this bill forward. We had to work on a lot of pieces of the bill because it involved postal services, physicians, pharmacists, and a whole other group of people. It addresses a very critical problem in the state in terms of how we dispose of expired pharmaceuticals. What this bill does is addresses an issue that each and every one of us in this chamber has done. We have taken pharmaceuticals that we have not fully used and flushed them down the toilet because that is what we've been told

to do in the past. As a result of that, something that we have all done and our family members have done, we've now created fairly significant environmental problems. This bill is a good, solid, concrete first step to addressing that problem. Again, I recognize the fact that there are still issues that need to be resolved. I hope that the implementation committee can do that. At the same time, the Health and Human Services Committee will have an opportunity to make adjustments and to change this bill as it moves forward. I hope you will join me in supporting the Ought to Pass motion.

On further motion by same Senator, Senate Amendment "A" (S-506) to Committee Amendment "A" (S-474) **ADOPTED**.

Committee Amendment "A" (S-474) as Amended by Senate Amendment "A" (S-506) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-474) AS AMENDED BY SENATE AMENDMENT "A" (S-506)** thereto.

Sent down for concurrence.

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

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

Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act"

H.P. 1457 L.D. 1958
(S "A" S-498; S "B" S-499)

Tabled - April 14, 2004, by Senator **BROMLEY** of Cumberland

Pending - motion by Senator **STANLEY** of Penobscot to **RECEDE** and **CONCUR**

(In Senate, April 7, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-498) AND "B" (S-499)**, in **NON-CONCURRENCE**.)

(In House, April 13, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-499)**, in **NON-CONCURRENCE**.)

(In Senate, April 14, 2004, on motion by Senator **BROMLEY** of Cumberland, the Senate **INSISTED**. On motion by Senator **STANLEY** of Penobscot, the Senate **RECONSIDERED** whereby it **INSISTED**.)

Senator **STANLEY** of Penobscot requested and received leave of the Senate to withdraw his motion to **RECEDE** and **CONCUR**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies"

S.P. 767 L.D. 1930

Tabled - April 14, 2004, by Senator **DAMON** of Hancock

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-510)**

(In Senate, April 14, 2004, Reports **READ**. On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-510) **READ**.)

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-517) to Committee Amendment "A" (S-510) **READ**.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. The Joint Select Committee on Regionalization and Community Cooperative has been working for some time on two bills. This is the one that has come to the Senate first. It deals with the effort to try to promote regionalization and community cooperation between levels of government; local, county, and state. The issue is the creation of a group, that has been referred to and named in the bill as the Inter-Governmental Advisory Group, whose task is to sit, meet, discuss, strategize, and perhaps come up with ways in which government can save money, or as I have referred to in our discussions in the committee, to achieve the bigger bang for the buck.

This particular amendment calls for geographic diversity in the establishment of that group. In fact, the state is divided into three areas of approximately the same population. This amendment urges the Governor to make the appointments to that group based on the residency within those areas. It guarantees, or is intended to ensure, that all areas of the state are represented on this group and that the concerns of all areas of the state are represented. I urge the adoption of this amendment. Thank you, Madame President.

On further motion by same Senator, Senate Amendment "A" (S-517) to Committee Amendment "A" (S-510) **ADOPTED**.

Committee Amendment "A" (S-510) as Amended by Senate Amendment "A" (S-517) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-510) AS AMENDED BY SENATE AMENDMENT "A" (S-517)** thereto.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

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:

Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY)

H.P. 1342 L.D. 1820

Tabled - April 14, 2004, by Senator **LAFOUNTAIN** of York

Pending - motion by Senator **MAYO** of Sagadahoc to **ADOPT SENATE AMENDMENT "C" (S-515) TO COMMITTEE AMENDMENT "A" (H-868)** (Roll Call Ordered)

(In House, April 12, 2004, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)**.)

(In Senate, April 14, 2004, at the request of Senator **GAGNON** of Kennebec, Reports **READ**. On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868)** Report, **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-868) **READ**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868) **READ**. On motion by Senator **GAGNON** of Kennebec, Senate Amendment "B" (S-512) to Committee Amendment "A" (H-868) **INDEFINITELY POSTPONED**. On motion by Senator **GILMAN** of Cumberland, Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868) **READ**. On motion by Senator **GAGNON** of Kennebec, Senate Amendment "A" (S-511) to Committee Amendment "A" (H-868) **INDEFINITELY POSTPONED**. On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "C" (S-515) to Committee Amendment "A" (H-868) **READ**.)

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Mayo to Adopt Senate Amendment "C" (S-515) to Committee Amendment "A" (H-868). 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 (#370)

YEAS: Senators: **BLAIS, BRENNAN, BRYANT, CARPENTER, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, GILMAN, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT**

NAYS: Senators: **BENNETT, BROMLEY, DAVIS, NASS, STRIMLING**

ABSENT: Senators: **HALL, SHOREY**

28 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MAYO** of Sagadahoc to **ADOPT** Senate Amendment "C" (S-515) to Committee Amendment "A" (H-868), **PREVAILED**.

Committee Amendment "A" (H-868) as Amended by Senate Amendment "C" (S-515) thereto, **ADOPTED**.

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

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-519) **READ**.

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

Senator **MAYO**: Thank you, Madame President, ladies and gentlemen of the Senate. This amendment is extremely simple. If you read the summary, it states the amendment prohibits the use of a credit card or debit card to play a slot machine. This is one of the issues that was under discussion a number of hours ago. This amendment clarifies that point once and for all. I would urge its adoption. Thank you.

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

Senator **STRIMLING**: Thank you, Madame President. I would just like to say thank you very much for bringing this clarification up. It does make me feel much more comfortable about making sure people are not just putting their credit cards into the slot machine and watching their mortgage payment go away.

On motion by Senator **MAYO** of Sagadahoc, Senate Amendment "A" (S-519) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868) AS AMENDED BY SENATE AMENDMENT "C" (S-515) thereto AND SENATE AMENDMENT "A" (H-868), in NON-CONCURRENCE.

Sent down for concurrence.

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

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

ENACTORS

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

Pursuant to Constitution Public Land

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
S.P. 775 L.D. 1942
(C "A" S-508)

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 33 Senators having voted in the affirmative and no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act To Require Surety Bonding by Payroll Processing Companies

H.P. 1369 L.D. 1843
(H "C" H-902 to C "A" H-838)

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

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

ENACTORS

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

Acts

An Act To Clarify the Responsibilities under the Adult Protective Services Act

H.P. 1287 L.D. 1765
(C "A" H-887)

An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources

H.P. 1429 L.D. 1929
(C "A" H-886)

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

An Act To Ensure Disclosure of Prescription Drug Prices

S.P. 736 L.D. 1890
(C "A" S-496)

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Amend the Protection from Harassment Laws

H.P. 1410 L.D. 1906
(C "A" H-840; H "A" H-889)

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

Senator **WOODCOCK**: Thank you very much, Madame President, ladies and gentlemen of the Senate. I spoke at length the other day about my concerns regarding the 21 day hearing period that is being eliminated in this piece of legislation. I have since had the opportunity to speak with a couple of people regarding that issue. My concerns have been alleviated from this piece of legislation. I think it is being addressed in a fair and evenhanded manner. I urge its passage. Thank you very much, Madame President.

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

Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices
H.P. 1392 L.D. 1868
(S "A" S-504 to C "A" H-835; S "A" S-503)

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

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

ENACTORS

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

Emergency Measure

An Act To Encourage the Future of Maine's Dairy Industry
H.P. 1445 L.D. 1945
(C "A" H-883)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services

H.P. 1391 L.D. 1867
(C "A" H-882)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)
H.P. 1409 L.D. 1903
(C "A" H-860)

In Senate, April 8, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860) AS AMENDED BY HOUSE AMENDMENT "B" (H-884)** thereto, in **NON-CONCURRENCE**.

Senator **STRIMLING** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **MAYO** of Sagadahoc, 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 (#371)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, GILMAN, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TREAT, TURNER, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, DAVIS, NASS, WESTON, WOODCOCK

ABSENT: Senators: HALL, SAWYER, SHOREY

26 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **STRIMLING** of Cumberland to **RECEDE** and **CONCUR**, **PREVAILED**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Laws Relating to Property Insurance"
S.P. 692 L.D. 1853
(C "A" S-489)

In Senate, April 5, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-908)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **LAFOUNTAIN** of York, the Senate **RECEDED** and **CONCURRED**.

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Thursday, April 15, 2004, at 10:00 in the morning.