

MAINE STATE LEGISLATURE

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State of Maine

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**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
March 12, 2002

Senate called to order by President Richard A. Bennett of Oxford County.

Prayer by Reverend Pat Parker, First Baptist Church in Waterville.

REVEREND PARKER: Good morning. I understand I'm here on a rather momentous morning. Will you pause for a moment and join me as I seek to lead us in prayer.

Our mighty and powerful God; God of the universe; our merciful and compassionate God; God of persons. You are God far beyond us and yet you are not alien to the needs and pain of our humanity. You are God within us and yet You are not limited by the finiteness of our mortality. You are the source of all that is worthy of our praise and so we begin with praise. We praise You for Your creating spirit that hovered over the chaotic abyss and rested light from the darkness. We praise You for the light of reason that frees us from our superstitious fears. We praise You for the light of beauty that shines in the smile of a child and the wrinkles of age. We praise You for the light of artistry that turns ordinary words into poetry and combines spring's strings and wind into a symphony. We praise You for the light of courage that allows the human spirit to not only survive but triumph. This morning we praise You, our God, for the lavender beams of light rising out of the chaos of Ground Zero. We ask, Oh God, that these beams of light may point us to Your peace. Your peace that would comfort those who mourn; Your peace that would restore the broken; Your peace that would move us to love and in love always to build rather than destroy. For this body, this day, we pray Your light. For the sake of the servant role to which You have called these men and women, we pray for the light of Your leading and Your discernment. For the sake of the constituency which they serve, we pray the light of Your justice and Your wisdom. As they debate and decide the issues before them this day, we pray the light of Your love and Your mercy. Amen.

Doctor of the day, Art Dingley, D.O. of Portland.

Reading of the Journal of Monday, March 11, 2002.

Off Record Remarks

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

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by President Pro Tem **MICHAUD** of Penobscot,
RECESSED
until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 806

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 11, 2002

Hon. John L. Martin
Senate Chair, Joint Standing Committee on
Natural Resources
Hon. Scott W. Cowger
House Chair, Joint Standing Committee on
Natural Resources
120th Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that Governor Angus S. King, Jr. has nominated Nancy C. Ziegler of South Portland for appointment and Ernest W. Hilton of Starks for reappointment as members of the Board of Environmental Protection.

Pursuant to Title 38, §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and REFERRED to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

SENATE PAPERS

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
S.P. 805 L.D. 2168

Sponsored by Senator MARTIN of Aroostook. (GOVERNOR'S BILL)
Cosponsored by Representative BUNKER of Kossuth Township.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Laws Governing Eligibility for General Assistance"
H.P. 1466 L.D. 1963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-878)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-878)**.

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

READ ONCE.

Committee Amendment "A" (H-878) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Promote the Health of Maine Women and Girls" (EMERGENCY)
H.P. 1510 L.D. 2013

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-875)**.

Signed:

Senator:
LONGLEY of Waldo

Representatives:

DUGAY of Cherryfield
O'BRIEN of Augusta
KANE of Saco
FULLER of Manchester
LAVERRIERE-BOUCHER of Biddeford
DUDLEY of Portland

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

Signed:

Senator:
TURNER of Cumberland

Representatives:

NUTTING of Oakland
SHIELDS of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-875)**.

Reports **READ**.

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

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

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment"
S.P. 767 L.D. 2102

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-460)**.

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

READ ONCE.

Committee Amendment "A" (S-460) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States"
H.P. 526 L.D. 681
(C "A" H-862)

Resolve, to Improve the Health of Maine Citizens Through Hepatitis C Prevention and Detection
H.P. 1414 L.D. 1858
(C "A" H-860)

Bill "An Act to Clarify the Status of Retirees Who Return to Service Under the Maine State Retirement System"
H.P. 1469 L.D. 1970
(C "A" H-874)

Bill "An Act Regarding Criminal History Record Checks"
H.P. 1486 L.D. 1989
(C "A" H-863)

Bill "An Act to Establish the Asthma Prevention and Control Program in the Department of Human Services, Bureau of Health"
H.P. 1495 L.D. 1998
(C "A" H-877)

Resolve, Directing the Department of Human Services to Apply for a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer
H.P. 1497 L.D. 2000
(C "A" H-876)

Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State (EMERGENCY)
H.P. 1499 L.D. 2002
(C "A" H-861)

Bill "An Act to Protect Retirement Income"
H.P. 1503 L.D. 2006
(C "A" H-873)

Bill "An Act to Clarify the Sex Offender Registration and Notification Act of 1999" (EMERGENCY)
H.P. 1518 L.D. 2022
(C "A" H-865)

Bill "An Act to Make Certain Changes to the State's Child Support Enforcement Laws"
H.P. 1521 L.D. 2025
(C "A" H-868)

Bill "An Act Regarding the Administration of Epinephrine by Emergency Medical Personnel"
H.P. 1536 L.D. 2039
(C "A" H-864)

Bill "An Act to Amend the Subdivision Review Criteria for Traffic"
H.P. 1576 L.D. 2082
(C "A" H-867)

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

ENACTORS

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

Acts

An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System
S.P. 682 L.D. 1884
(C "A" S-445)

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

An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance
H.P. 70 L.D. 79
(C "B" H-811)

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

Resolve

Resolve, Directing the Department of Defense, Veterans and Emergency Management to Make Recommendations to the Legislature to Provide Increased Outreach Activities for Women Veterans
H.P. 1532 L.D. 2035
(H "A" H-828)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Ensure Maine Citizens in Recovery from Drug Addiction Equal Access to Public Assistance"
H.P. 1665 L.D. 2170

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Ensure Proper Disbursement of Matching Funds under the Maine Clean Election Act"
H.P. 1664 L.D. 2169

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Provide Flexibility in the Rate of Interest Charged on Delinquent Taxes" (EMERGENCY)
H.P. 1661 L.D. 2166

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact" (EMERGENCY)
H.P. 1666 L.D. 2171

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statutes
Maine Fire Protection Services Commission**

The **Maine Fire Protection Services Commission** pursuant to the Maine Revised Statutes, Title 5, section 3371 asked leave to report that the accompanying Bill "An Act to Improve Public Safety by Regulating the Installation and Inspection of Fire Alarm Systems"
H.P. 1663 L.D. 2167

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, 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. 1662

**JOINT RESOLUTION RECOGNIZING THE GIRL SCOUTS ON
THE OCCASION OF ITS 90TH ANNIVERSARY**

WHEREAS, March 12, 2002, is the 90th Anniversary of the founding of the Girl Scouts of the United States of America; and

WHEREAS, the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct and service to others so that they may become model citizens in their communities; and

WHEREAS, the Girl Scouts offers a variety of opportunities to develop life skills and strong values and provides a wide range of activities to meet girls' interests and needs; and

WHEREAS, founded by Juliette Gordon Low in 1912, with a group of only 18 girls, the Girl Scouts organization has grown to its current membership of more than 3 million girls. Nearly 18,000 girls participate in Girl Scouts in our State today; and

WHEREAS, in Girl Scouting, girls of all races and creeds are welcome and each girl has the opportunity to be an active participant and to speak, be heard, influence decisions and develop qualities of leadership; and

WHEREAS, adults who serve as leaders and advisers support girls in their efforts to become responsible and self-reliant and work in partnership with the girls, providing friendship, advice, encouragement and resources; now, therefore, be it

RESOLVED: That We, the members of the 120th Legislature now assembled in the Second Regular Session, take this opportunity to honor the ideals and accomplishments of the Girl Scouts organization on the occasion of its 90th Anniversary; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Abnaki Girl Scout Council and the Girls Scouts of Kennebec Council within Maine as an expression of our esteem.

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:

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TAXATION** on Bill "An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District" (EMERGENCY)
H.P. 1630 L.D. 2132

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Establish the Maine Energy Advisory Council"
H.P. 506 L.D. 646

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-882)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-882)**.

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

READ ONCE.

Committee Amendment "A" (H-882) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Increase the Number of 'Construction-manager-at-risk' Alternative Delivery Pilot Projects for School Construction and to Increase the Maximum Project Cost of Projects Eligible for Alternative Delivery"
H.P. 1426 L.D. 1864

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-879)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-879)**.

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

READ ONCE.

Committee Amendment "A" (H-879) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure the Fair Collection of Overpayments"
H.P. 1433 L.D. 1930

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-884)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-884)**.

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

READ ONCE.

Committee Amendment "A" (H-884) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Acts

An Act Regarding Child Abandonment
S.P. 539 L.D. 1670
(C "A" S-447)

An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents
H.P. 1507 L.D. 2010
(C "A" H-856)

An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking
H.P. 1515 L.D. 2019
(C "A" H-855; H "A" H-866)

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Land for Maine's Future Board Under the Government Evaluation Act
H.P. 1650 L.D. 2156

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

An Act to Amend the Uniform Commercial Code, Article 9-A
H.P. 1401 L.D. 1840
(C "A" H-857)

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

Resolve

Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags
S.P. 735 L.D. 2046
(C "A" S-449)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, 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 to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines
S.P. 664 L.D. 1855
(C "A" S-446)

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **EDMONDS** for the Committee on **LABOR** on Bill "An Act to Increase the Length of Time in Which a Retired State Employee May Add a Dependent to the Employee's Maine State Health Insurance Plan"
S.P. 729 L.D. 1988

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-461)**.

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

READ ONCE.

Committee Amendment "A" (S-461) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

COMMUNICATIONS

The Following Communication: S.C. 621

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

March 6, 2002

To Richard A. Bennett, President of the Senate in the One Hundred and Twentieth Legislature:

I, DAN A. GWADOSKY, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of votes cast for State Senator District 27 in the Special Election held on the fifth day of March in the year two thousand and two; **REPORT AS FOLLOWS**; that the following named person having received a plurality of the votes cast, appears to have been elected:

SPECIAL ELECTION - March 5, 2002

STATE SENATOR

SENATE DISTRICT 27

BRENNAN, MICHAEL, Portland	3,284
CENCI, MARK, Portland	119
DAWSON, PHILIP JOHN, Portland	1,083
FERNALD, KELLY THOMPSON, Falmouth	201
VANVAKIAS, SALLY G., Falmouth	3,264

I, DAN A. GWADOSKY, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senator at the Special Election, as reported to me on the returns from the towns of Falmouth and Long Island and the city of Portland.

S/Dan A. Gwadosky
Secretary of State

READ and REFERRED to the SENATORIAL VOTE COMMITTEE.

The Following Communication: S.C. 622

**BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE**

March 12, 2002

Honorable Pamela L. Cahill
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Cahill:

At your request, I am attaching a copy of the letter from Ms. Sally Vamvakias dated March 6, 2002, requesting a recount of the Special Election for Senate District 27.

Please contact me at 624-7734 if you should have any questions.

Sincerely,

S/Julie L. Flynn
Deputy Secretary of State
2002 Special Election Recount Supervisor

**Sally Vamvakias
18 Bayside Lane
Falmouth, ME 04105**

March 6, 2002

The Honorable Daniel A. Gwadosky
Secretary of State
148 State House Station
Augusta, ME 04330

RE: Request for Recount

Dear Mr. Gwadosky:

In accordance with Title 21-A, § 737A, I hereby request a recount in the Special Election held in Senate District #27. After the initial tally of the ballots, it appears that the vote margin that separates the candidate finishing first and the candidate placing second is less than 1% of the total votes cast.

Thank you for your attention to this matter.

Sincerely,

S/Sally Vamvakias
Candidate Senate District 27

READ and REFERRED to the SENATORIAL VOTE COMMITTEE.

The Following Communication: S.C. 623

**BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE**

March 12, 2002

Honorable Pamela L. Cahill
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Cahill:

At the conclusion of the recount for State Senate District 27, on March 11, 2002, the final count was as follows:

Michael Brennan	3,265
Sally G. Vamvakias	3,254
Disputed Ballots	37

In addition, there were seven ballots that were challenged in Portland on Election Day. Because there are enough disputed ballots to affect the results of the election, the Maine Constitution, in Article IV, Part Second, Section 5, and Part Third, Section 3, provides that the Maine Senate shall be the ultimate judge of the election of its member. Pursuant to 21-A MRSA, Section 737-A(10), the Senate shall establish procedures for appeals of disputed Senate elections.

The State Police are in custody of the materials related to this election. The disputed ballots are segregated in their own tamper-proof container and can be provided to you separately from the remainder of the ballots and other materials if that is your preference.

Please contact me at 624-7734 at your earliest convenience to make arrangements for the transmittal of the recount materials.

Sincerely,

S/Julie L. Flynn
Deputy Secretary of State
2002 Special Election Recount Supervisor

READ and REFERRED to the SENATORIAL VOTE COMMITTEE.

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

ORDERS

Senate Order

On motion by President Pro Tem **MICHAUD** of Penobscot, the following Senate Order: S.O. 31

WHEREAS, the Honorable Joel Abromson, the Senator representing Senate District 27, unfortunately passed away on January 14, 2002 after a long illness;

WHEREAS, Senator Abromson was a valued colleague and friend, who will be greatly missed by his fellow Senators;

WHEREAS, Senator Abromson very ably represented the people of Portland, Falmouth, and Long Island throughout his nearly eight years in the Senate;

WHEREAS, the people of Portland, Falmouth, and Long Island have had no representation in the Senate since January 14, 2002;

WHEREAS, the Senate is about to take action on a supplemental budget and many matters before the body that will have a significant impact on the people of Portland, Falmouth, and Long Island;

WHEREAS, the Maine Constitution, Article IV, Part Second, Section 5, requires that "All vacancies in the Senate arising from death ... shall be filled by an immediate election in the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election";

WHEREAS, Governor Angus King on January 23, 2002, issued a Proclamation scheduling a special election to fill the vacancy in Senate District 27 to be held on Tuesday, March 5, 2002.

WHEREAS, on March 6, 2002 the Secretary of State's Office tabulated the certified results of the election and the official tabulation indicated Michael F. Brennan of Portland received a plurality of votes in the special election;

WHEREAS, Sally G. Vamvakias of Falmouth formally requested a recount in writing, in accordance with Maine law, from the Secretary of State's Office;

WHEREAS, a recount was held on March 11, 2002; and

WHEREAS, at the conclusion of the recount the office of the Secretary of State communicated to the Senate that the final count of the special election was: "Michael Brennan, 3,265 votes; Sally G. Vamvakias, 3,254 votes; and disputed ballots, 37. In addition there were seven ballots that were challenged on election day."; and

WHEREAS, because there are enough disputed ballots to affect the result of the election, the Constitution of Maine, Article IV, Part Second, Section 5 and Part Third, Section 3 provide that the Maine Senate is the ultimate judge of the election of its members; and

WHEREAS, pursuant to the Maine Revised Statutes, Title 21-A, section 737-A, subsection 10, the Senate shall establish procedures for appeals of disputed Senate elections; now, therefore, be it

ORDERED, that Michael F. Brennan be administered an oath of office and be permitted to provisionally assume a seat pending further action and determination and declaration of that determination by majority vote of the Senate, after further

consideration by this Senate, determination of the election, and declaration of the results thereof; and be it further

ORDERED, that the Committee on the Senatorial Vote shall convene in an expeditious manner at the call of the chair to examine thoroughly issues relevant to the special election, to propose resolution of such issues and to determine the properly elected candidate, and that the committee shall make such recommendations to the full Senate as it considers appropriate.

READ.

THE PRESIDENT: The Chair recognizes President Pro Tem **MICHAUD** of Penobscot.

President Pro Tem **MICHAUD**: Thank you, Mr. President, men and women of the Senate. Every member of the Senate mourned the recent passing of Senator Joel Abromson. He was a gentlemen in the finest sense of the word and he will truly be missed by every member of this body and the people of the State of Maine. Last week, an election was held to fill a vacancy created by Senator Abromson's passing. The close results of that election, even after a recount, has made this transition a difficult and challenging time for the state Senate. The leadership in this body rose to the challenge posed by this close election, just as it rose to the challenge offered by an evenly divided Senate in the year 2000. We worked together, responsibly and fairly, to find a resolution that was in the best interest of this body, of the people of the State of Maine, and the people in Senate District 27. The Joint Order before you today reflects the results of our work and I believe it is a fair compromise. In accordance with precedence, it restores representation for the City of Portland, the towns of Falmouth and Long Island in the Maine Senate by allowing Michael Brennan to be provisionally seated and it orders the Committee on Senatorial Vote to fulfill its duty to review the election results. So I do want to thank each and every member of leadership for working tirelessly today to try find a fair resolution so that the people of Senate District 27 will have some representation here during our waning days of the legislature while allowing the Senatorial Vote Committee to proceed. I hope that you will join me in supporting the passage of this order. Thank you, Mr. President.

PASSED.

The President requested President Pro Tem **MICHAUD** of Penobscot escort the Senator-elect from Cumberland, Senator-elect **BRENNAN**, to the Governor for the purpose of taking and subscribing to the oaths of office required by the Constitution.

The Sergeant-At-Arms escorted President Pro Tem **MICHAUD** of Penobscot and the Senator-elect from Cumberland, Senator-elect **BRENNAN**, to the Governor.

Senate at Ease.

Senate called to order by the President.

Subsequently, President Pro Tem **MICHAUD** of Penobscot reported that he had attended to the duties with which he was charged and was pleased to report the Senator from Cumberland, Senator **BRENNAN** had, before the Governor, taken and subscribed to the oaths of office required by the Constitution. Thereupon, Senator **BRENNAN** of Cumberland was escorted to his seat in the Senate Chamber by President Pro Tem **MICHAUD** of Penobscot.

Off Record Remarks

Senator **SMALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED** to Wednesday, March 13, 2002, at 10:00 in the morning.