

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

In Senate Chamber

Wednesday

March 31, 2004

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

Prayer by Reverend Laurel Brown, Oakland-Sidney United Methodist Church.

REVEREND BROWN: Let us pray. Good and gracious God, we come today recognizing that all of life is a gift. For family and friends, this beautiful state, the right of self-government, and the willingness of these elected officials to give their time and talent to serve the people of Maine we give You thanks. We ask You to be each Senator. Give them the wisdom to make farsighted decisions. Give them the courage to make the hard choices. Help them truly serve the people of Maine, seeking the right course for the state rather than serving the interests of a few. Give them strength and stamina for the work of this day and guide them in their deliberations. We also ask You to be with their constituents who have put their trust in these men and women by electing them. For the homeless, the unemployed, the single parents trying to raise children on limited funds, the many people of our state who are struggling, we ask Your blessing. We give thanks for their advocates who lobby on their behalf. May this day be a day of good work and blessing for the Maine State Senate and for the people of Maine. All honor and glory are Yours, now and forever. Amen.

National Anthem performed by Representative Leila J. Percy of Phippsburg and Representative Sonya G. Sampson of Auburn.

Reading of the Journal of Tuesday, March 30, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Increase Maine's Minimum Wage"

S.P. 237 L.D. 673

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-359)** (8 members)

Minority - **Ought Not to Pass** (4 members)

In Senate, March 11, 2004, Reports **READ**. Motion by Senator **EDMONDS** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359)**, in **NON-CONCURRENCE**.

Senator **EDMONDS** of Cumberland moved the Senate **RECEDE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE**.

Non-Concurrent Matter

Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY)

H.P. 1289 L.D. 1767

In House, March 19, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)**.

In Senate, March 23, 2004, on motion by Senator **STANLEY** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771) AND HOUSE AMENDMENT "A" (H-819)**, in **NON-CONCURRENCE**.

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

Joint Orders

The following Joint Order:

H.P. 1448

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources report out, to the House, a resolve that directs the Commissioner of Marine Resources to review the issues associated with the issuance of a nonresident lobster license in light of the September 30, 2003 decision by the United States Court of Appeals for the 2nd Circuit in the case of Volovar, et al. v. Cahill, et al. and that authorizes the commissioner to report back findings, along with any recommended implementing legislation, to the First Regular Session of the 122nd Legislature.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication:

S.P. 792

STATE OF MAINE

121ST MAINE LEGISLATURE

March 29, 2004

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on

Business, Research and Economic Development

Rep. Nancy B. Sullivan

House Chair, Joint Standing Committee on

Business, Research and Economic Development

121st Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Sullivan:

Please be advised that Governor John E. Baldacci has nominated Douglas F. Beaulieu of Madawaska and Sara Gagne Holmes of Augusta for appointment as members of the Loring Development Authority.

Pursuant to Title 5 M.R.S.A. Section 13080-B, these nominations will require review by the Joint Standing Committee on Business, Research and Economic Development and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

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

Sent down for concurrence.

The Following Communication:

S.P. 793

121ST MAINE LEGISLATURE

March 29, 2004

Sen. Neria R. Douglass

Senate Chair, Joint Standing Committee on

Education and Cultural Affairs

Rep. Glenn A. Cummings

House Chair, Joint Standing Committee on

Education and Cultural Affairs

121st Legislature

Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Barry D. McCrum of Mars Hill, Margaret A. Weston of Yarmouth, and Charles L. Johnson III of Hallowell for reappointment; Paul J. Mitchell of Waterville, Jean Flahive of Eastport, and Victoria M. Murphy of Portland for appointment as members of the Board of Trustees, University of Maine System.

Pursuant to P&SL 1865, c. 532, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication:

S.P. 794

STATE OF MAINE
121ST MAINE LEGISLATURE

March 29, 2004

Sen. Peggy A. Pendleton

Senate Chair, Joint Standing Committee on

Judiciary

Rep. William S. Norbert

House Chair, Joint Standing Committee on

Judiciary

121st Legislature

Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Robert E. Murray, Jr. of Bangor for appointment as Bangor Maine District Court Judge.

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

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

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

Sent down for concurrence.

STATE OF MAINE
121ST MAINE LEGISLATURE

March 29, 2004

Sen. Kenneth T. Gagnon

Senate Chair, Joint Standing Committee on

Legal and Veterans Affairs

Rep. Joseph E. Clark

House Chair, Joint Standing Committee on

Legal and Veterans Affairs

121st Legislature

Augusta, ME 04333

Dear Senator Gagnon and Representative Clark:

Please be advised that Governor John E. Baldacci has nominated A. Mavourneen Thompson of Peaks Island for appointment and Andrew Ketterer of Madison for reappointment as members of the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 M.R.S.A. § 1002, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

READ and REFERRED to the Committee on LEGAL AND VETERANS AFFAIRS.

Sent down for concurrence.

The Following Communication:

S.C. 547

121ST LEGISLATURE
COMMITTEE ON
HEALTH AND HUMAN SERVICES

March 25, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|-----------|---|
| L.D. 1127 | An Act To Require Fire-safe Cigarettes in the State |
| L.D. 1291 | An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism |
| L.D. 1641 | An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules |
| L.D. 1720 | An Act To Ensure the Lowest-priced Prescription Drugs for Maine Seniors |

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael Brennan

Senate Chair

S/Rep. Thomas J. Kane

House Chair

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

The Following Communication:

S.C. 548

121ST LEGISLATURE
COMMITTEE ON
INSURANCE AND FINANCIAL SERVICES

March 25, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 1939 An Act To Decrease Insurance Fraud in This State

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LABOR** on Bill "An Act To Obtain Severance Pay for the Employees of Great Northern Paper Company"

H.P. 1255 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-815)**.

Report **READ**.

On motion by Senator **DAVIS** of Piscataquis, 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 (#302)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-815) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System"

H.P. 1332 L.D. 1810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-790)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENMENT "A" (H-790) AS AMENDED BY HOUSE AMENDMENT "A" (H-818)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-790) **READ**.

House Amendment "A" (H-818) to Committee Amendment "A" (H-790) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-790) as Amended By House Amendment "A" (H-818) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Name of Township 17, Range 5, WELS, in the Unorganized Territory to Cross Lake" (EMERGENCY)

H.P. 1425 L.D. 1925

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-812)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.

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

READ ONCE.

Committee Amendment "A" (H-812) **READ**.

On motion by Senator **STANLEY** of Penobscot, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-812), in concurrence.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Reclassify Certain Downeast Waters"

H.P. 1401 L.D. 1891

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-791)**.

Signed:

Senators:

MARTIN of Aroostook
EDMONDS of Cumberland
SAWYER of Penobscot

Representatives:

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

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

Signed:

Representatives:

JOY of Crystal
ANNIS of Dover-Foxcroft

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-791)**.

Reports **READ**.

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

On motion by Senator **SHOREY** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass As Amended

Senator SAVAGE for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 632 L.D. 1700

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-473)**.

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

READ ONCE.

Committee Amendment "A" (S-473) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage the Proper Disposal of Expired Pharmaceuticals" (EMERGENCY)

S.P. 671 L.D. 1826

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-474)**.

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
DUGAY of Cherryfield
PERRY of Calais
WALCOTT of Lewiston

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

Signed:

Senator:

WESTON of Waldo

Representatives:

CURLEY of Scarborough

LEWIN of Eliot

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization"

S.P. 730 L.D. 1884

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-475)**.

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

EARLE of Damariscotta

CRAVEN of Lewiston

DUGAY of Cherryfield

PERRY of Calais

WALCOTT of Lewiston

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SHIELDS of Auburn

CURLEY of Scarborough

CAMPBELL of Newfield

LEWIN of Eliot

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Penalty Provisions and Reporting Deadlines of the Campaign Reports and Finances Laws"

S.P. 661 L.D. 1728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-470)**.

Signed:

Senators:

GAGNON of Kennebec

LEMONT of York

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
HOTHAM of Dixfield
GLYNN of South Portland
BROWN of South Berwick
MOORE of Standish

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-471)**.

Signed:

Representative:

LANDRY of Sanford

Reports **READ**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-470) **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 Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes"

H.P. 552 L.D. 746
(C "A" H-672)

Bill "An Act Regarding Wildlife Habitat Conservation"

H.P. 604 L.D. 827
(C "A" H-799)

Bill "An Act To Promote Safety and Fair Labor Practices for Forestry Workers"

H.P. 1015 L.D. 1380
(C "A" H-810)

Bill "An Act To Improve Subdivision Standards"

H.P. 1195 L.D. 1617
(C "A" H-792)

Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

H.P. 1387 L.D. 1864
(C "A" H-794)

Bill "An Act To Protect Health and the Environment by Improving the System for the Collection and Recovery of Mercury-added Thermostats"

H.P. 1407 L.D. 1901
(C "A" H-806)

Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

H.P. 1417 L.D. 1915
(C "A" H-800)

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

Senate

Bill "An Act Relating to Energy-related Building Standards"

S.P. 790 L.D. 1948

Bill "An Act Relating to Certain Energy Responsibilities of the Public Utilities Commission"

S.P. 791 L.D. 1949

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Protect the Privacy of Home Information of Maine State Retirement System Members, Benefit Recipients, Trustees and Staff"

S.P. 619 L.D. 1687
(C "A" S-442)

Bill "An Act To Ensure Appropriate Care and Custody of Children Orphaned by Domestic Violence"

S.P. 638 L.D. 1706
(C "A" S-466)

Bill "An Act To Amend the Law Governing the Storage of Spirits"

S.P. 729 L.D. 1881
(C "A" S-469)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Amend the Rule-making Authority of the Department of Human Services to Ensure Cost-effective Operation of State Medical Services Programs and Compliance with Federal Requirements

H.P. 1270 L.D. 1748
(C "A" H-777)

This being an Emergency Measure and 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

H.P. 1354 L.D. 1831
(C "A" H-758)

This being an Emergency Measure and 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 **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission

H.P. 1372 L.D. 1846
(C "A" H-776)

This being an Emergency Measure and 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 **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Ensure Compliance with Federal Medicaid Requirements

S.P. 627 L.D. 1695
(C "A" S-433)

An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program

H.P. 1269 L.D. 1747
(C "A" H-778)

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

An Act To Establish the Maine Military Family Relief Fund

S.P. 631 L.D. 1699
(C "A" S-438)

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

Resolves

Resolve, Regarding the Sale of Batteries Containing Mercury

H.P. 1237 L.D. 1661
(C "A" H-780)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#303)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, was **FINALLY PASSED** and having been signed by the President Pro Tem was presented by the Secretary to the Governor for his approval.

Resolve, To Reduce the State Valuation for the Town of Lincoln

S.P. 733 L.D. 1887
(C "A" S-440)

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

Resolve, To Reduce the State Valuation for the Town of East Millinocket

S.P. 741 L.D. 1895
(C "A" S-439)

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Preserve Transportation Projects Statewide by Using Federal GARVEE Financing for the Waldo-Hancock Bridge Replacement"

S.P. 758 L.D. 1922

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-478)**.

Report **READ**.

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

ORDERS OF THE DAY

Unfinished Business

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

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage Cost Savings by State Employees"

S.P. 618 L.D. 1686

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-409)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-410)** (5 members)

Tabled - March 3, 2004, by Senator **ROTUNDO** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409)** Report

(In Senate, March 3, 2004, Reports **READ**.)

Senator **YOUNGBLOOD** of Penobscot moved to **TABLE** 1 Legislative Day, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409)** Report.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-409)** Report.

The Chair laid before the Senate the following Tabled and Later (3/25/04) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Promote the Financial Security of Maine's Families and Children"

H.P. 1152 L.D. 1579

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (H-774)** (6 members)

Report **"B" - Ought Not to Pass** (6 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "B" (H-775)** (1 member)

Tabled - March 25, 2004, by Senator **PENDLETON** of Cumberland

Pending - motion by same Senator to **ACCEPT** Report **"A"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)**, in concurrence

(In House, March 23, 2004, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774) AS AMENDED BY HOUSE AMENDMENT "A" (H-782)** thereto.)

(In Senate, March 25, 2005 Reports **READ**.)

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. We've heard much conversation about this particular bill. That conversation has, at times, focused upon an agenda which behind this proposal. Today I would ask you to consider that the reason why we should not be supportive of this particular bill has nothing to do with the agenda, if it does, in fact, exist. Point one, this bill will place a terrific burden on the probate court system of this state. This is an unnecessary burden, at a time when the probate system cannot afford to do so. Secondly, and most importantly from my perspective, this bill is unnecessary. All we need to do, all anyone needs to do, is create a will and all of the concerns addressed in this particular bill will be mollified. A will made out to leave portions of you estate, all of your estate, to an heir will take care of this bill and any of its concerns. The probate court system does not need an extra burden. The will will clarify and take care of all of the concerns that the bill has put forth and cast the agenda aside. These are the common sense able reasons why this bill should be opposed and I shall be doing so. Thank you, Madame President.

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

Senator **PENDLETON:** Thank you, Madame President. I respectfully understand the good Senator from Franklin, Senator Woodcock. I would like to say that, first and foremost, this bill address people who die without a will. Even though we all would like for everyone to have a will, and it is the smart thing to do, there will always be people that die without a will. This bill addresses those people. According to an ABC news poll in July 2003, 50% of Americans don't have wills and only 42% have living wills or healthcare proxies. That's a problem that we all have, not any particular person. I think that as far as clogging up the courts, if 50% of us don't have wills in the first place, I don't see how it's going to make an awful amount of difference if we pass this bill to allow people to register if they don't have a will. Thank you.

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

Senator **MAYO:** Thank you, Madame President, men and women of the Senate. I rise in support of this particular piece of legislation, L.D. 1579. While I understand what the good Senator from Franklin, Senator Woodcock, was attempting to say and promote, in my former life, and yes there is a former life for most of us in this body, I dealt on a number of occasions with a situation involving this particular philosophical piece of legislation. Believe me, it was normally a very unpleasant situation to have to tell a domestic partner that he or she could have nothing to do with funeral arrangements. In one instance, to tell a domestic partner of 18 years that he could not come into the funeral home and have anything to do with the funeral. He could not be in attendance at the funeral. Yes, the good Senator from Franklin, Senator Woodcock, is correct that a will could have done something about that particular situation. As the Senator from Cumberland, Senator Pendleton, stated a few minutes ago, 50% of the people in this country do not have a will, for whatever reason. I would urge support of this to correct a situation that has long needed correction in this state. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#304)

YEAS: Senators: BRENNAN, BROMLEY, CATHCART, DAGGETT, DAMON, EDMONDS, GAGNON, HALL, HATCH, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, STRIMLING, TURNER, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

NAYS: Senators: BENNETT, BLAIS, BRYANT, CARPENTER, DAVIS, DOUGLASS, GILMAN, KNEELAND, LAFOUNTAIN, NASS, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, WESTON, WOODCOCK

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-774)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-774) **READ**.

House Amendment "A" (H-782) **READ**.

On motion by Senator **PENDLETON** of Cumberland, House Amendment "A" (H-782) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-476) to Committee Amendment "A" (H-774) **READ**.

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

Senator **PENDLETON**: Thank you, Madame President, men and women of the Senate. This particular amendment is a compromise that was worked out with the effected parties and the interested parties. What it does is now contains a domestic partner registry. It will be housed in the Office of Health Data and Program Management in the Bureau of Health. The registry shows the partner's intent to be domestic partners and has clear guidelines for ending the partnership, should it end prior to death. With the registry, there will be no unintended consequences. It also contains language that would require a notary to notarize the signatures upon registry of a partnership. If the partnership dissolves, again the registry signatures would be notarized. Thank you.

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

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

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. If your objections to this bill were because it might cause problems in the probate court, the amendment offered by the good Senator from Cumberland, Senator Pendleton, seeks to cure those issues. For that reason I would encourage your strong support of the amendment. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Pendleton to Adopt Senate Amendment "B" (S-476) to Committee Amendment "A" (H-774). 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 (#305)

YEAS: Senators: BRENNAN, BROMLEY, CATHCART, DAGGETT, DAMON, EDMONDS, GAGNON, HALL, HATCH, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, STRIMLING, TURNER, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

NAYS: Senators: BENNETT, BLAIS, BRYANT, CARPENTER, DAVIS, DOUGLASS, GILMAN, KNEELAND, LAFOUNTAIN, NASS, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, WESTON, WOODCOCK

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ADOPT** Senate Amendment "B" (S-476) to Committee Amendment "A" (H-774), **PREVAILED**.

Committee Amendment "A" (H-774) as Amended by Senate Amendment "B" (S-476) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later (3/29/04) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Protect the Rights of State Workers"

S.P. 374 L.D. 1150

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-460)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 29, 2004, by Senator **EDMONDS** of Cumberland

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

(In Senate, March 29, 2004, Reports **READ**.)

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

Senator **BLAIS:** Thank you, Madame President and fellow members of the Senate. I think it's important to get on record what this piece of legislation does. It extends full state benefits to contract employees, those 1099 employees. This means that contract employees would be eligible, under this legislation, for sick leave, holiday pay, the retirement program, training opportunities, and the like. This is definitely plowing some new ground in our state. As an employer, I would be very concerned to see this being a model for something that would be moving out into the private sector.

In addition to that, there is a committee amendment that states that in order for the Bureau of General Services to be able to manage the accounting associated with this that they would be adding three senior staff positions at a cost of \$631,000 in the 2004-2005 budget. In addition to that, this legislation carries a

fiscal note in 2004-2005 of \$1.8 million to cover the additional cost of providing these benefits to contract employees. In 2005-2006, \$4.9 million and it is projected to be 2006-2007 at \$4.9 million. I would urge my colleagues to vote in opposition to this, particularly when you consider the difficult financial straights that our state is in currently. Thank you very much, Madame President.

Same Senator requested a Roll Call.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I agree with the good Senator from Kennebec, Senator Blais, that it does provide all those benefits to contract workers that are presently afforded to state employees. I guess we come at it from different angles. Precisely for that reason, I believe that if I'm working next to someone who's doing exactly the same job that I am doing, working at it as hard as I am, and I'm a state employee and they are a contract worker, they deserve the same benefits. It's sort of a fairness issue for me. I'd appreciate your vote on the majority report. Thank you.

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

Senator **SHOREY:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **SHOREY:** To anyone who can answer, will these contract employees be requested to pay union dues?

THE PRESIDENT PRO TEM: The Senator from Washington, Senator Shorey poses a question through the Chair to anyone who may wish to answer.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Daggett to Accept the Minority Ought Not to Pass 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 (#306)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

Senate at Ease.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Reclassify Certain Downeast Waters"

H.P. 1401 L.D. 1891

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-791)** (10 members)

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

Tabled - March 31, 2004, by Senator **SHOREY** of Washington

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

(In House, March 30, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791).**)

(In Senate, March 31, 2004, Reports **READ.**)

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

READ ONCE.

Committee Amendment "A" (H-791) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act To Preserve Transportation Projects Statewide by Using Federal GARVEE Financing for the Waldo-Hancock Bridge Replacement"

S.P. 758 L.D. 1922

Reported - **Ought to Pass as Amended by Committee Amendment "A" (S-478)**

Tabled - March 31, 2004, by Senator **DAVIS** of Piscataquis

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 31, 2004, Report **READ**.)

Senator **BENNETT** of Oxford requested a Division.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. I just want to say at the outset that this is the best solution to a critical situation. Thank you.

At the request of Senator **BENNETT** of Oxford a Division was had. 31 Senators having voted in the affirmative and 1 Senator having voted in the negative, Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-478) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **DAGGETT** of Kennebec, **ADJOURNED**, to Thursday, April 1, 2004, at 10:00 in the morning.