

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

In Senate Chamber
Monday
April 5, 2004

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

Prayer by Senator Lynn Bromley of Cumberland County.

SENATOR BROMLEY: Thank you. I have a very short prayer today. Before I ask you to join me, I'm going to give you the context for it. Last Wednesday night I had the privilege to attend a worship service led by the youth of my church. They were ninth graders who, as part of their confirmation process, go through a series of discernment exercises. One of the things they do is share a service with us. I thought, with the work that we do, it's always good to be reminded of our particular obligation to the generation that follows us. I thought you would appreciate, as I did, to hear their words. I will read their very short prayer.

Dear Spirit of all that is good and great and true, thank You for making everybody different in their own special ways. Thank You for blessing us with the ability to pass on Your word through song and art and many other things. Thank You for giving each of us a talent, whether it is a beautiful voice or a strong body or a skill to teach. Please help us to find our gifts and to use them for good. Amen.

Pledge of Allegiance led by Senator Christine R. Savage of Knox County.

Doctor of the day, Kristine Pleacher, M.D. of Portland.

Reading of the Journal of Thursday, April 1, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws" (EMERGENCY)
H.P. 1265 L.D. 1743
(S "A" S-464 to C "A" H-781)

In Senate, March 30, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY SENATE AMENDMENT "A" (S-464)** thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY SENATE AMENDMENT "A" (S-464)** thereto **AND HOUSE AMENDMENT "A" (H-834)**, in **NON-CONCURRENCE**.

On motion by Senator **BRYANT** of Oxford, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Govern and Regulate Life Settlements"

H.P. 1411 L.D. 1907
(C "A" H-796)

In Senate, March 30, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796) AND HOUSE AMENDMENT "A" (H-849)**, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication:

S.C. 551

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 30, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

S.P. 710 Joint Resolution Memorializing the United States Congress to Raise the Weight Limit on Interstate 95

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

Sincerely,

S/Sen. Pamela H. Hatch
Senate Chair

S/Rep. Ronald E. Usher
House Chair

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

SENATE PAPERS

Bill "An Act To Establish a School Leadership District for East Millinocket, Medway and Millinocket" (EMERGENCY)

S.P. 798 L.D. 1956

Sponsored by Senator STANLEY of Penobscot.
Cosponsored by Representative DUPREY of Medway and Senator: DAMON of Hancock,
Representatives: CLARK of Millinocket, McLAUGHLIN of Cape Elizabeth, SUSLOVIC of
Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

**Ought to Pass
Pursuant to Public Law and Resolve**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Regulate the Breeding and Sale of Small Mammals"

H.P. 1453 L.D. 1952

Reported that the same **Ought to Pass**, pursuant to Public Law 2003, chapter 350, section 2 and Resolve 2003, chapter 101, section 3.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-851)**.

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

READ ONCE.

House Amendment "A" (H-851) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

**Ought to Pass
Pursuant to Joint Order**

The Committee on **MARINE RESOURCES** on Resolve, Directing the Commissioner of Marine Resources To Review the Issues Associated with the Issuance of a Nonresident Lobster License

H.P. 1455 L.D. 1955

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1448.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)

H.P. 1382 L.D. 1856

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-833)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-833)**.

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

READ ONCE.

Committee Amendment "A" (H-833) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **LABOR** on Bill "An Act To Amend the Laws Governing Purchase of Military Time Served under the Maine State Retirement System"

H.P. 1360 L.D. 1836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-839)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839)**.

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

READ ONCE.

Committee Amendment "A" (H-839) **READ** and **ADOPTED**, in concurrence.

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

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 (#312)

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, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Clarify Property Eligible for Reimbursement of Property Taxes under the Business Equipment Tax Reimbursement Program"

H.P. 1326 L.D. 1804

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-823)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823) AS AMENDED BY HOUSE AMENDMENT "A" (H-846)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-823) **READ**.

House Amendment "A" (H-846) to Committee Amendment "A" (H-823) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-823) as Amended by House Amendment "A" (H-846) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823) AS AMENDED BY HOUSE AMENDMENT "A" (H-846)** thereto, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2004-05" (EMERGENCY)

H.P. 1398 L.D. 1882

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-837)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-837)**.

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

READ ONCE.

Committee Amendment "A" (H-837) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Surety Bonding by Payroll Processing Companies" (EMERGENCY)

H.P. 1369 L.D. 1843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-838)**.

Signed:

Senators:

BROMLEY of Cumberland
SHOREY of Washington
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
DUPREY of Medway
BEAUDETTE of Biddeford
O'BRIEN of Lewiston
PELLON of Machias
JACOBSEN of Waterboro
SMITH of Monmouth

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

Signed:

Representatives:

AUSTIN of Gray
BERUBE of Lisbon
ROGERS of Brewer

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-838)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-838) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Protection from Harassment Laws" (EMERGENCY)

H.P. 1410 L.D. 1906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-840)**.

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
BULL of Freeport
GERZOFSKY of Brunswick
MILLS of Farmington
BENNETT of Caribou
SHERMAN of Hodgdon
BRYANT-DESCHENES of Turner

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

SIMPSON of Auburn

CARR of Lincoln

DUPREY of Hampden

(Representative LORING of the Penobscot Nation - of the House - supports the Minority **Ought Not to Pass** Report.)

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-840)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-840) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on 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 (EMERGENCY)

H.P. 1392 L.D. 1868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-835)**.

Signed:

Senators:

GAGNON of Kennebec

LEMONT of York

MAYO of Sagadahoc

Representatives:

CLARK of Millinocket

HOTHAM of Dixfield

BROWN of South Berwick

MOORE of Standish

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-836)**.

Signed:

Representative:

GLYNN of South Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835)**.

Reports **READ**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-835) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Ought to Pass As Amended

Senator **BRENNAN** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions"

S.P. 79 L.D. 156

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-482)**.

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

READ ONCE.

Committee Amendment "A" (S-482) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Senator **BRYANT** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Make Mother's Day a Free Day for Fishing" (EMERGENCY)

S.P. 768 L.D. 1932

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-485)**.

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

READ ONCE.

Committee Amendment "A" (S-485) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Establish Harbor Master Standards and Course Requirements"

S.P. 612 L.D. 1680

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

Signed:

Senators:

DAMON of Hancock
PENDLETON of Cumberland
BENNETT of Oxford

Representatives:

BULL of Freeport
ASH of Belfast
DUGAY of Cherryfield
PERCY of Phippsburg
MUSE of Fryeburg
McNEIL of Rockland
BIERMAN of Sorrento
RECTOR of Thomaston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-483)**.

Signed:

Representative:

SULLIVAN of Biddeford

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Create the Starboard Water District" (EMERGENCY)

S.P. 770 L.D. 1935

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-484)**.

Signed:

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
GOODWIN of Pembroke
CRESSEY of Baldwin
RICHARDSON of Skowhegan

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

Signed:

Senators:

HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Reports **READ**.

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

ENACTORS

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

Emergency Measure

An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth

S.P. 709 L.D. 1863
(C "A" S-449)

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, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services

H.P. 1353 L.D. 1830
(C "A" H-798)

Comes from the House, **FAILED FINAL PASSAGE**.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

H.P. 1375 L.D. 1849
(C "A" H-805)

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, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

H.P. 1388 L.D. 1865
(C "A" H-797)

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, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic and Community Development

H.P. 1415 L.D. 1914
(C "A" H-785)

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, was presented by the Secretary to the Governor for his approval.

**Pursuant to Constitution
Public Land**

Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve

S.P. 652 L.D. 1719
(C "A" S-455)

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

Acts

An Act To Enact the Uniform Trust Code

H.P. 678 L.D. 921
(C "A" H-795)

An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources

S.P. 705 L.D. 1858
(C "A" S-448)

An Act To Extend the Deadline for Reconsideration by Boards of Appeals

S.P. 720 L.D. 1872
(C "A" S-444)

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 Include Disability Retirement Income in Retirement Income Eligible for Tax Exemption

H.P. 1246 L.D. 1670
(C "A" H-787)

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

An Act To Provide Property Tax Relief for Veterans Who Reside in Cooperative Housing
H.P. 1250 L.D. 1674
(C "A" H-786)

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

An Act Relating to the Establishment of a Central Maine Regional Public Safety Communication Center
S.P. 615 L.D. 1683
(C "A" S-454)

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

An Act To Amend the Laws Regarding Invasive Aquatic Species
S.P. 656 L.D. 1723
(C "A" S-450)

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 (#313)

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, was **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 Prohibit the Sale of Gasoline Containing MTBE
H.P. 1390 L.D. 1870
(C "A" H-793)

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 (#314)

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

Resolves

Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001
S.P. 648 L.D. 1716
(C "A" S-443)

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

Resolve, To Create an Associate Degree Program in Radiology Technology
S.P. 708 L.D. 1862
(C "A" S-445)

On motion by Senator **CATHCART** of Penobscot, 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:

COMMUNICATIONS

The Following Communication: S.P. 799

STATE OF MAINE
121ST MAINE LEGISLATURE

April 2, 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, pursuant to Title 3 M.R.S.A. § 154, Governor John E. Baldacci has withdrawn the nomination of Thomas A. Santaguida for appointment as a member of the Maine Indian Tribal-State Commission. The withdrawal of this nomination is necessary due to scheduling conflicts for the confirmation process.

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.

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

COMMUNICATIONS

The Following Communication:

S.P. 800

STATE OF MAINE
121ST MAINE LEGISLATURE

April 2, 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, pursuant to Title 3 M.R.S.A. § 154, Governor John E. Baldacci has withdrawn the nominations of William Bullock, Jr. and Elizabeth C. Warren for appointment as members of the Board of Trustees, Maine Maritime Academy. The withdrawal of these nominations is necessary due to scheduling conflicts for the confirmation process.

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.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LAFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Relating to Property Insurance"

S.P. 692 L.D. 1853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-489)**.

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

READ ONCE.

Committee Amendment "A" (S-489) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for 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 LAFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Implement the Recommendations of the Committee To Study the Revenue Sources of the Office of Consumer Credit Regulation"

S.P. 751 L.D. 1910

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-488)**.

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

READ ONCE.

Committee Amendment "A" (S-488) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for 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 Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

S.P. 769 L.D. 1934

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-487)**.

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

READ ONCE.

Committee Amendment "A" (S-487) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Encourage and Support Maine Owner-operated Small Businesses"

S.P. 427 L.D. 1325

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-486)**.

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
AUSTIN of Gray
DUPREY of Medway
BEAUDETTE of Biddeford
O'BRIEN of Lewiston
PELLON of Machias
JACOBSEN of Waterboro
SMITH of Monmouth
ROGERS of Brewer

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

Signed:

Representative:

BERUBE of Lisbon

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-486) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication:

S.C. 553

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

April 2, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Stanley P. Kuklinski of Farmington, for appointment to the State Harness Racing 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	3	Bryant of Oxford, Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	10	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Eder of Portland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth
NAYS		0	
ABSENT		0	

Thirteen 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 Stanley P. Kuklinski of Farmington, for appointment to the State Harness Racing Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#315)

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 **Stanley P. Kuklinski** of Farmington, for appointment to the State Harness Racing Commission was **CONFIRMED**.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Stanley P. Kuklinski. Would he please rise and accept the greetings of the Senate.

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

COMMUNICATIONS

The Following Communication: S.C. 554

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

April 2, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Colon E. Durrell of Farmington, for reappointment to the Maine Milk 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	Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	9	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth
NAYS		0	
ABSENT		2	Sen. Bryant of Oxford, Rep. Eder of Portland

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 Colon E. Durrell of Farmington, for reappointment to the Maine Milk Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#316)

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 **Colon E. Durrell** of Farmington, for reappointment to the Maine Milk 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. 555

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

April 2, 2004

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

Dear Madame President:

LEGISLATIVE RECORD - SENATE, MONDAY, APRIL 5, 2004

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 Agriculture, Conservation and Forestry has had under consideration the nomination of Katherine O. Musgrave of Orono, for reappointment to the Maine Milk 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	Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	9	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth
NAYS		0	
ABSENT		2	Sen. Bryant of Oxford, Rep. Eder of Portland

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 Katherine O. Musgrave of Orono, for reappointment to the Maine Milk Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#317)

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 **Katherine O. Musgrave** of Orono, for reappointment to the Maine Milk 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. 556

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

April 2, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of James Tracy of Farmingdale, for reappointment to the Maine Harness Racing 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	3	Bryant of Oxford, Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	10	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Eder of Portland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth
NAYS		0	
ABSENT		0	

Thirteen 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 James Tracy of Farmingdale, for reappointment to the Maine Harness Racing Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#318)

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 **James Tracy** of Farmingdale, for reappointment to the Maine Harness Racing 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. 557

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

April 2, 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 Agriculture, Conservation and Forestry has had under consideration the nomination of Norman G. Trask of Easton, for reappointment to the State Harness Racing 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	3	Bryant of Oxford, Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	10	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Eder of Portland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth
NAYS		0	
ABSENT		0	

Thirteen 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 Norman G. Trask of Easton, for reappointment as a member of the State Harness Racing Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 (#319)

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 **Norman G. Trask** of Easton, for reappointment as a member of the State Harness Racing Commission was **CONFIRMED**.

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

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 (3/30/04) Assigned matter:

Bill "An Act to Support Domestic Businesses in Publicly Funded Construction Projects"
S.P. 217 L.D. 608

Tabled - March 30, 2004, by Senator **BENNETT** of Oxford

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-386)**

(In Senate, March 30, 2004, on motion by Senator **ROTUNDO** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-386) **READ**.)

Committee Amendment "A" (S-386) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/31/04) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-475)** (6 members)

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

Tabled - March 31, 2004, by Senator **BRENNAN** of Cumberland

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

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

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. This bill is, as the title tells us, to strengthen the enforcement provisions of the Maine Health Data Organization. My concerns are that this is excessive. We were told that there have, in the past, not been issues with misuse of information or problems with obtaining the data. Let me just tell you what the detail of the fines are going to be on your businesses in your districts. For example, now pharmacies, hospitals, and others are required to file data. They have to pay in order to file this data. They are now going to be fined \$1,000 a day, or up to \$25,000 total, for health care facilities, third party administrators, and so forth for failure to file the data or failure to pay an assessment. Pharmacies will be required to pay \$100 a day fine, or up to \$2,500, for failure to file data. What we are talking about is not even a plan to withhold data, but perhaps a missed deadline or lots of things. This is an excessive use, especially since there is no historical data to tell us that it has been a problem. We are raising the fines for something that, primarily, has not been a problem. The argument you will hear is that there is going to be more data and the risk will be greater, so the fines must go up. I don't agree. I consider these fines excessive. I have great concerns.

The other question that was not resolved is for all of these organizations that are required to file this information with the Health Data Organization don't know if they can get the same information that they file back for their own use or if they will be in non-compliance if they use that information. I have concerns. I think that we need to look at this further. I would ask that you vote against the pending motion.

Same Senator requested a Roll Call.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. When this bill came before the Health and Human Services Committee earlier in this session I was going to nominate it for the most innocuous bill to be presented this session. While I still think it is in running, it may not be in as strong a position as it was earlier when it came before the Health and Human Services Committee. This is simply a housekeeping, housecleaning bill. Almost all of the issues that are in this bill are currently in law, in rule, and in regulation. If you look at the bill summary, there was one issue. Admittedly it was a large amount of money, \$250,000. This was to bring us into compliance, or to be very similar, to federal regulations around the Health Insurance Portability and Accountability Act of 1996, or what we call HEPA.

Secondly, this bill is designated as a major substantive rule, which means that any of the enforcement provisions will come back to the legislature for review. I just checked with staff this morning and I will be more than happy to go back and check again, but the Senator from Waldo, Senator Weston, represented that there are these fines in this bill. When I checked with the staff this morning, these chary fines that we have in rule and in legislation. We are not doing anything differently than we currently have in rule.

I think that this bill still qualifies as one of the most innocuous and least difficult bills before the session. I hope that you will vote for the pending motion.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. My recollection was that it was the 117th Legislature that shut down and eliminated the Health Care Finance Commission, one of our few victories in past years. It was expensive, as we were concerned at that time about the cost of healthcare. It put a huge regulatory burden on those that were under its purview. The only thing that survived from that is this data collection operation, which the members who contributed data had to pay for. In my opinion, we now see, rising out of the ashes of this simple data collection, another version of the Health Care Finance Commission. If you are concerned about the cost of healthcare, I think you ought to be concerned about this bill. I would urge you to vote against the pending motion. Thank you.

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

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

Senator **BLAIS:** Thank you, Madame President. I request permission to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. In my recollection, we had some legislation that mandated that Workers' Comp carriers provide injury only reports to this organization before the Labor Committee last session. My question is, are the Workers' Comp carriers included in the fines that are in this legislation?

THE PRESIDENT: The Senator from Kennebec, Senator Blais poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Blais.

Senator **BLAIS:** Thank you, Madame President. Having heard no response to that question, I guess it would be important for me to point out that there is a possibility that Workers' Comp carriers, given that they are mandated to provide these first injury reports to this organization, probably do come under the fines contemplated in this legislation. I would point out that one of the issues that was of great concern in the testimony that we heard before the Labor Committee about providing this type of injury only report from employers is that employers are not necessarily in control of this information on injury only reports. Sometimes an employee may be injured and may not tell their employer about that information for a period of time or may never tell an employer about that injury. I would be very concerned that this legislation may create a circumstance where we would have employers that would be subject to significant fines through no fault of their own. As a consequence of that, I would certainly urge you to oppose the motion that is on the floor. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Brennan to Accept the Majority 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 (#320)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-475) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/31/04) Assigned matter:

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

Tabled - March 31, 2004, by Senator **STANLEY** of Penobscot

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-812)**, in concurrence

(In House, March 30, 2004, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.)

(In Senate, March 31, 2004, Report **READ** and **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-812) **READ**.)

Committee Amendment "A" (H-812) **ADOPTED**, in concurrence.

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

On motion by Senator **STANLEY** of Penobscot, Senate Amendment "A" (S-492) **READ** and **ADOPTED**.

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

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 (3/31/04) 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 31, 2004, by Senator **GAGNON** of Kennebec

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

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

On motion by Senator **YOUNGBLOOD** of Penobscot, **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.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Later (3/2/04) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require the Videotaping of Police Interrogations"

S.P. 286 L.D. 891

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-405)** (8 members)

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

Tabled - March 2, 2004, by Senator **STRIMLING** of Cumberland

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

(In Senate, March 2, 2004, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-405) **READ**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "B" (S-490) to Committee Amendment "A" (S-405) **READ**.

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

Senator **STRIMLING:** Thank you, Madame President. I am pleased to present Senate Amendment "B" (S-490). What this Senate Amendment does is require police departments to video tape or audio tape police interrogations under certain custodial interrogations. I would first bring out why this bill is important. I'd start with a case that is relatively famous in the State of Maine, that is the case of Dennis Deschaine. As we all know, in that case there is quite a bit of dispute as to whether Dennis Deschaine is guilty or innocent. In particular, there is a dispute as to whether he confessed. When I spoke to Sheriff Westrom, who was the officer on duty at that time, he said to this day, 'If only I had had a tape recorder in that room, I could have proven to everybody that Dennis Deschaine confessed.' When you talk to the supporters of Dennis Deschaine they say, 'If only there had been a tape recorder in that room, we could have proven that he did not confess.' Today, that is what this bill is all about. It's just about making sure that we get it right.

There are currently three states that do this. We would become the fourth. It is important to note that two of those three states were forced to do this by their Supreme Courts. They stepped in and said that this is a must. There were too many disputes and they needed to make sure that they got it right. This bill protects three things. Number one, it protects police officers from false accusations. Number two, it protects the defendant by making sure there wasn't something going that shouldn't have gone on in that room. Number three, and perhaps most importantly, it protects the public

because the public wants to make sure that we get it right. In states and municipalities where they have the recording of police interrogations, they get more convictions. Let's be clear. They get more convictions because there is no more he said - she said. The defense attorney can no longer try to argue that the client didn't say something when it's on tape.

The bill, as we put it forward, is very limited. It deals with certain custodial interrogations. It deals with video tape or audio tape. There is only a \$1,000 price tag on this, which we're going to put through to the Appropriations Table for them to decide whether it should be funded. There is no mandate on municipalities, because we have yet to find a police station that doesn't have at least an audio tape recorder.

The amendment that I have presented deals with what is called the exclusionary clause. One of the issues that people have around the bill is that the original bill automatically excludes an interrogation if that interrogation didn't meet the standard. I don't want to throw confessions out. I want to make sure things get recorded. What the amendment does is get rid of the exclusionary clause. It leaves it up to the court, so it is no longer automatic. In discussions with the minority leader, we talked about making sure that this wasn't required in police vehicles. Right now it says it must happen in the place of detention. In the amendment we specifically say, 'but not a police vehicle.' The recording must take place only in a place of detention, which is defined as a building, and the person must be in custody. Now that we've gotten rid of the exclusionary clause, the amendment also brings in some of the Class "A" juvenile crimes to make sure that we protect our children. This is what many of the other states have done. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President, men and women of the Maine Senate. I greatly appreciate the hard work the good Senator from Cumberland, Senator Strimling, has done on this issue. He has spent a lot of time on this and spent quite a bit of time with me on it to the point where he was offered up to be scanned for implants. This is a difficult thing, to say the very least, for the police. The Maine State Police are responsible for almost all the homicide investigations in Maine, save two or three cities. I believe Lewiston, Portland, and Bangor are the only cities that investigate homicides. The State Police strongly encourage their people to use video cameras and to have audio tapes of the conversations they have with their suspects and during their investigations. I give credit to the good Senator from Cumberland, Senator Strimling. He has gone to great lengths to exclude about every situation I could throw at him and has done a good job of it. The problem I have with it is that I keep thinking of situations.

I thought of one this morning where a serial killer, a fellow that murdered several women, was convicted of a serious crime in Texas. He spent a long term in jail for assaulting a woman in Texas. He didn't like Texas, didn't like the way he was treated in the jail in Texas. He had some experience in being in jail in Maine. He preferred Maine over Texas. He sent word back to Maine that he would prefer to be in Maine and was willing to confess to some pretty grisly crimes. A good friend of mine, Detective Joe Zamboni, was sent to Texas, interviewed him, came back, and found some really grisly things. The gentleman, and I use that term loosely, is now in the Maine State Prison and will be there forever. I don't see how this would apply and furthermore I just simply do not see the need for it.

I agree it would be clearer if the Dennis Dechaine case had been recorded. That was almost 15 years ago. I'm not sure if video equipment was available then in all the police departments. I doubt very much it was. I don't remember of any. Of course I live in rural Piscataquis County. I don't remember of any available in our county but it may have been in some places. For those reasons, I would ask that you vote against this.

Same Senator requested a Roll Call.

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

Senator **STRIMLING:** Thank you, Madame President. The minority leader does come up with quite a number of different scenarios and his expertise in this has been very helpful in my trying to craft this. I would try to point people to the piece in the amendment that deals with the exclusionary clause. If it can be proven that, even if everything goes wrong, even if they did everything incorrectly, they can still say if the confession was given voluntarily then it must be kept. All they need is a preponderance of evidence. If the person went to another state, and the person voluntarily gave that confession, it would all be accepted without question. I do appreciate the minority leader and all the suggestions he has brought up. I actually think the bill is stronger based on some of his ideas. Thank you.

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 PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you, Madame President, women and men of the Senate. There is one thing that I keep coming back to after being on the Criminal Justice Committee. Some of the subjects are very difficult to understand, think about, and come up with a conclusion. This, quite frankly, was one that I had trouble dealing with. I sort of narrowed it down to something substantive that I could have a small discussion on. The one thing I did come up with is that if this legislation prevents even one wrongful conviction in the future it is worth passing now. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Adopt Senate Amendment "B" (S-490) to Committee Amendment "A" (S-405). 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 (#321)

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

NAYS: Senators: BLAIS, DAVIS, GILMAN, HATCH, KNEELAND, LEMONT, MAYO, NASS, SAVAGE, SAWYER, SHOREY, WESTON, WOODCOCK, YOUNGBLOOD

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "B" (S-490) to Committee Amendment "A" (S-405), **PREVAILED**.

Committee Amendment "A" (S-405) as Amended by Senate Amendment "B" (S-490) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405) AS AMENDED BY SENATE AMENDMENT "B" (S-490)** thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/19/99) Assigned matter:

SENATE REPORTS - from the Committee on NATURAL RESOURCES, on Bill "An Act To Amend the Dissolved Oxygen Standard and the Bacteria Standard for Class C Waters"
S.P. 743 L.D. 1899

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-467)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-468)** (5 members)

Tabled - March 30, 2004, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-467)** Report

(In Senate, March 30, 2004, Reports **READ**.)

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. This particular bill came before the committee and is without question the one we spent the most time and devoted the most amount of energy to while trying to come up with a solution that would please everyone. At one point I thought we had it, but it became clear that it was not going to happen. We had to make some decisions. That decision is before you. You have already been given material that says this has to do with clean water and pollution. That is incorrect. We need to clearly understand what the issue is and clearly understand what impact this potential writing could have. I've been either House or Senate chair of the Natural Resources Committee for about 5 years now. During those years we've been able to work out the differences between the environmental people on one side and the industry and general public on the other without a problem. However, this became impossible. I'd like to explain to you so you will clearly understand what is at stake.

First, let me just say that this issue deals only with Class C waters. The reason why the bill is here is because the standards that the state had on the books were five parts per million dissolved oxygen and the water temperature was left up to a licensing process. The Attorney General informed the Department of Environmental Protection that every single license could potentially end up in court and the legislature needed to set a standard. That is why we are here.

You will probably hear that the EPA says we have to have this standard, whatever they may say. It might be 24 and 6.5. Clearly understand they have told us that we can have a range. Frankly, they went as low as 19 water temperature and up to 24. We could actually pick anything in between. Obviously it is clear that we don't want to be at the lower end of that.

The other thing to remember, as we discuss this, is that people will tell you that this impacts the water quality through Lewiston/Auburn. In fact, it does not because the water below the dam already is at 6.5 and 24 centigrade. The problem we have is the area from Rumford to the dam. That problem is caused by a dam. If you eliminated the dam that is located there, you wouldn't have a problem. Furthermore, if you closed all three mills, left the dam there, and did not work the bubbles that are there, which is operated by Florida Light and Power and IP, you would continue to have the problem because the dam creates an impoundment, which is known as Gulf Island Pond. Under the law, there is no definition for one of those impoundments. It's not a lake. It's not a river. But it causes this problem. What we had to do was make the decision in the committee that we did not want water qualities lowered anywhere in Maine, if at all possible. What we have is a standard of 6.5 parts per million dissolved oxygen and 24 centigrade temperature, except for two areas in Maine. I want to describe them both to you. One I partially have, the other one is the St. Croix. The St. Croix also has a dam problem. It has an issue that is clearly compounded by a situation of which we have little control. For the past 100 years or so there were 10 to 20 mills that produced sawdust. That sawdust is in the river. Sawdust uses up the oxygen. What we are trying to do is make exceptions again. That is why it is drafted the way it is.

This does not affect the quality of water. Let me explain why. What we are talking about here is the difference in the bill for that section of the river on the Androscoggin to be 6.5 and 22 instead of 6.5 and 24. If you do your translations appropriately, you will know that this is a difference, since we are Americans and never bothered to learn the metric system for the most part, between 75.2° Fahrenheit versus 71.6° Fahrenheit, which is about 3.5°. Since I can't use a display, I would like you to imagine a curve, a bell curve. As the bell curve comes to the end on the right hand side, you will program underneath it the difference of temperature. What we are talking about is whether or not trout and salmon can grow in the 3.5°. You well know what transpires as the bell curve comes to an end. It gets pretty flat which means that during those two months of July and August under the 74° fish will grow a little less than under 75.2°. That shouldn't surprise anyone.

In the final analysis, when you are looking at the Androscoggin River between the upper portion in Rumford to the dam, you are looking at a possibility that in the months of July and August the trout and salmon may not grow. If any of you fish at all you know that fish, if they have any ability to swim, are not going to stay in hot water anyway. They are going to go as far down in that pond as they can go. Obviously, that is what is going to take place. They are not going to hang around in 76° water.

What is interesting to me is to see some of the literature that's been passed out because the only proponent that has been active for passage of this legislation, and in the room all the time, is one person from the Natural Resources of Maine. The irony is that the other side of that point, which is interesting to me, is that at the same time you have every industry and municipality concerned about the impact. I will tell you this, the majority report will clearly force the industry to upgrade. Don't make the assumption here that we're keeping them where they are. That is not the case. The issue is whether those 2° makes a difference as to what is going to happen.

Let me illustrate for you a potential possibility. You can use any figures you want to, but we know it's going to be somewhere between \$20 and \$25 million to upgrade at one mill. In this case it's IP. Let me tell you one of the situations that is most interesting for IP. I'm speaking now

without them telling me this or my asking. They also treat the mill for what used to be the former IP, which is now Wasau. They have 200 or 300 employees. One of the ways they can upgrade to meet this new standard that some people want to put on them is to simply no longer take the waste and Wasau is gone. It is that simple. It would be that quick. There would be nothing we could do. The other possibility is for someone to give them more money.

There is more I want to say, but I will wait until others speak. I do think there are a couple of things I'd like to remind every body in this body about. This has nothing to do with quality of water. It has to do with growth of fish in July and August. It has nothing to do with the quality of water going through Lewiston/Auburn because Lewiston/Auburn, below the dam, is already at 6.5, 24 centigrade. This bill would prevent any backsliding under federal and state law. That's already there. Finally, let me just remind you of the question which is should we treat them any different? Well, if you say no to that, why don't you be honest and tell people you want to put people out of work today. That's the bottom line because that is what's going to happen. If I thought otherwise, I would no be on the majority report.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I rise in support of the minority report and in opposition of the majority report. While I hate to disagree with the good Senator from Aroostook, Senator Martin, I must. L.D. 1899 is, as you can tell, a very important bill. The minority report provides a good standard for dissolved oxygen, oxygen in the waters in the 1,000 miles of Class C waters and streams in Maine. They include parts of the Androscoggin, the Kennebec, the St. Croix, the Penobscot, and Maine law requires that salmon and trout be able to thrive in these rivers. You have heard lots of arguments from the good Senator from Aroostook, Senator Martin, that it's just a 2° difference in water temperature. That is accurate, it is. The reality is, for me, is the bigger picture. It probably is for the good Senator from Aroostook, Senator Martin, as well. We just happen to see the picture differently. I feel very strongly that all of us in this chamber, every single one of us, wants to protect the waters of Maine and the fish in the waters of Maine. I haven't been fishing much since my father passed away, but I'm as much of a lover of good fishing as the next person.

The details, as the good Senator from Aroostook, Senator Martin, has outlined, are to do with the fact that this basically effects the waters in Maine in July and August for fish like trout and salmon who get stressed in those temperatures. This is also a time when most Mainers use rivers like the Androscoggin and the Kennebec for fishing. It is exactly when the state needs to protect the oxygen for fish to breath. There have been statements made that implementing this standard will drive the mills out of business and some have stated that this will create the strictest standard in the northeast. I don't happen to believe either of those claims. We were told the DEP hired a world renowned paper industry consultant to examine the technologies necessary for the mills on the Androscoggin to meet this and the other standards. The consultant concluded that all standards were achievable for an affordable price, using proven technologies that Mead and International Paper already use at other mills they own. You may hear that I'm wrong, that the price is too great. From my point of view, our rivers are priceless.

Regarding standards in the other northeastern states, the adoption of L.D. 1899 minority report would put Maine squarely in the middle in terms of strictness for standards to protect trout and salmon. Maine would be stricter than Connecticut and Massachusetts; less strict than Vermont, New Hampshire, and Rhode Island; and about the same as New York. We all know that we already spend a tremendous amount of money to stock trout in the Androscoggin River.

I guess when all is said and done it comes down to whether you believe that the standards set by the minority report will be so injurious to the businesses on the river or not. From my point of view, of course I don't want to lose those jobs. Absolutely, I don't want to lose those jobs. I also don't want to compromise our rivers. It's on that basis that I rise today and ask you to support the minority report. Thank you.

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

Senator **DOUGLASS:** Madame President, men and women of the Senate, I rise to urge you to vote against the pending motion, acceptance of the majority report, which speaks to issues of discharge into the waters of the Androscoggin. Yes, the Lewiston/Auburn community has come to value the Androscoggin over the last 20 years because it has been freed from some of the color, odor, and foam that were there when I first moved to this state in 1977. It's important to me that we not turn back the clock. Frankly, we are now using the river above the Gulf Island Dam for rowing, canoeing, and recreation.

As we all know, economic development is not a one-aspect attribute in our state. It is multifaceted and I'll argue to you that a pure and clean Androscoggin has created economic

development in our downtown that was not there in the early 70's. I think this is something we should embrace and look for in all the rest of our state, including the St. Croix. I think it would be a grave mistake to turn back the clock and allow discharge under the majority report that is now pending. It is better to go back to the minority report, which speaks to assessing the entire river rather than allowing discharges that would potentially pollute and harm the river.

We should be mindful, as we go forward in time, that it is true that our jobs and our paper mills have been very threatened. I think it is untrue and unfair to add to this discussion that we are somehow voting about jobs here. That is not the case. We are voting about what standards we are going to require in our state for all rivers, including the Androscoggin and the St. Croix. I hope you will treat every river in our state with the respect it deserves.

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, with the good Senator from Aroostook, Senator Martin, of the majority report. The blue handout in front of me says the minority report is achievable and affordable. I believe achievable it is. On the affordable front, I believe it is not. We had testimony before our committee that, unfortunately, the two reports do put jobs at risk. I looked up Domtar's 2003 pre-tax profits. For every \$100 in sales Domtar did last year, they kept 1¢. That is a .01% margin. It's up to us to figure out whether, when faced with millions of dollars in upgrades at that mill, they will go forward with that, where they will get the money for that, or do they chose not to and join the exodus from the State of Maine.

I want to underscore something that the good Senator from Aroostook, Senator Martin, mentioned. Testimony before the committee was clear. We can close every paper mill on the Androscoggin and the water quality at Lewiston/Auburn would be no better. In fact, we also heard testimony that, because this isn't all science, there is a lot of speculation and intuition, the minority report would probably prohibit the return of lost jobs at Great Northern Paper Company. Furthermore, the majority report does not turn back the clock. The majority report meets the anti-backsliding provisions in Maine law. I would invite everyone in this room, or everyone in this building, who is voting for the minority report to join me at a paper maker's relief dinner Wednesday night at Eastern Maine Community College in Bangor and explain to them how jobs are not part of this equation. Thank you.

Off Record Remarks

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

Senator **BRYANT:** Thank you, Madame President, ladies and gentlemen of the Senate. I would encourage you to vote for the pending motion. I thought at the beginning of this year when this bill was coming forward that it was the perfect opportunity for the environmental side, the working people, and industry to come together to craft a good piece of legislation that would solve a lot of problems and that everybody could feel good about. The system did get bogged down.

I work for a paper mill in the Rumford area. I was president of the local union there for four years. We had 1,250 members and are now down to 900. We always fought to improve the environmental conditions in our community and in our state because we always knew that if we didn't keep that mill up to standards, if we didn't keep the mill investing and moving forward, we would lose jobs. At the same time, we always tried to be reasonable. I think this is where this bill got bogged down. At some point in time someone decided they really didn't want to be reasonable.

When you look at the river quality between Rumford and that dam, you have a warm water fishery. It doesn't matter if you have salmoid fish in that area. Salmoid fish will thrive in water temperatures between 40° and 60°. That is where they want to be. When you start getting over 60° and get into 65° or pushing 70°, they are going to find a spring hole and move out of there. What we are trying to fix in this bill is an area of the river that is really a warm water fishery and probably has some of the best bass fishing in the state.

I would encourage you to vote for the pending motion. I think it solves a standard that needs to be set. The Attorney General told the committee that they had to have a standard. I think it meets everybody's needs and it doesn't backslide at all. The other piece that I think is important is that, as a union member and as a mill worker; we've always held the mills accountable and tried to move them forward. It is their intention and platform that they will continually improve. I think this bill moves them so they have to continually improve without being unreasonable. I there are other bills

that will come up, probably in the next session, that are really going to look at actual pollutants and we need to move in that direction. You can't be unreasonable on every bill and then expect to accomplish a goal in the end. I would encourage you to vote for the pending motion.

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

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

THE PRESIDENT: The Senator may pose his question.

Senator **SHOREY:** Thank you, Madame President. My family and I are fortunate enough to live right on the St. Croix River. We really enjoy our kayaking, canoeing, and going out on the island. One of the things the good Senator from Androscoggin, Senator Douglass, said is that if we pass the majority report we are going to have foam floating down the river and we are going to be going back to the 1970's for pollution standards. Was the good Senator from Androscoggin, Senator Douglass, correct in her assertion to this?

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I rise today to ask you to vote against the majority report. We've heard in debate this morning that this bill doesn't have anything to do with clean water. I would contend that this bill does, in fact, have everything to do with water quality. Even Andy Fisk of the DEP has said that the minority report will result in cleaner water in the Androscoggin River. We've also heard that this will not impact communities along the river. This does, in fact, impact Lewiston/Auburn. Any pollution that goes into the river from the mills affects Lewiston/Auburn as well as Brunswick. The temperature difference is enough that the low standard will mean that oxygen will not be protected at all during the summer. This is when the fish need it most and most Mainers use our rivers. We've also heard that the minority report, or having a higher standard, would cost jobs. I would like to remind you that between 1999 and 2002 International Paper met the limits that would be required by the minority report. The communities along the Androscoggin below the mills have invested recently in their riverfront. This has been an important economic development investment for us. I feel very strongly that we must treat and protect all the Class C rivers equally and would urge you to vote against the pending motion so we can go on to pass the minority report. Thank you.

Senator **DOUGLASS** of Androscoggin requested a Roll Call.

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

Senator **DOUGLASS:** Madame President, I understand that while I stepped out to clear my throat a question was posed as to whether I had suggested that voting for the pending motion would return us to the days of foam in the Androscoggin. I certainly did not say that. What I did say is that we should not be going backward. We should be going forward. Thank you.

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

Senator **BLAIS:** Thank you, Madame President, men and women of the Senate. I'll be voting in support of the majority report and this piece of legislation. However, I would like to say that I respect deeply the debate that I've heard on both sides of this issue. I represent a number of towns along the Androscoggin River, from Livermore Falls down through Turner. There is not much that I can add to this debate in terms of the technical aspects of this. I'm not convinced that we're going to be lowering the standards on the Androscoggin River.

What I would like to share with you is that, given the number of communities that I represent on that river, I took the opportunity last July to canoe the river from Livermore Falls down through Turner. Being a fourth generation Mainer from the Lewiston/Auburn area, I'm familiar with the days when there was enormous amounts of foam flowing over the rocks down in Lewiston between Lewiston and Auburn. It wasn't a pretty sight. That is certainly not the sight that we see today. When I decided to go canoeing down the river last summer, I really didn't know what to expect. I was shocked at what I found. Tremendous progress has been made on the Androscoggin River. There has been an enormous expense. Florida Power and Light and International Paper have spent millions and millions of dollars to bring the river to where it is today. Where is it today? When I

traveled down that river, I saw no fewer than six bald eagles nesting on that river. I was fortunate enough to see a bald eagle dipping into the water and pulling some type of fish out of the river.

I love Maine's waters. I love our lakes, the beautiful Tacoma Lakes that are near me. I appreciate the fact that, in most cases, I feel like I could drink the water right out of the lake. There is a certain smell that a clean body of water has. Sand Pond in my community, Woodbury Pond in my community have that fresh smell where you feel like you could drink the water by just cupping your hand in the water as you are gliding along in a canoe. I'll tell you I felt the same way as I was traveling down the Androscoggin River last July. I'm not saying the river is perfect. It could be better. I think a lot of our bodies of water could be better.

However, the problem that we face, I think, in trying to decide between these two reports is a question of diminishing returns. What I mean by that is how much are willing to expend to have a slight increase in quality? I think the good Senator from Aroostook, Senator Martin, put it very clearly. What we are deciding between in these two reports, fundamentally, comes down to a question of jobs. The slight improvement that we might see in the Gulf Island Pond area, not necessarily in the rest of this body of water but in the Gulf Island Pond area, has been estimated to cost millions upon millions of dollars to achieve what will ultimately be a very small improvement in the quality of water in a very small portion of the Androscoggin River. I can tell you that I'm satisfied with where we are at right now. I think that the environmental programs that are in place today by International Paper and Florida Power and Light will continue to keep the Androscoggin River growing cleaner and cleaner with time. I think it is also important that we support those who live along the river. I'm particularly thinking of my community of Livermore Falls.

I don't know if many of you have traveled through Livermore Falls, but there is some life in that community. One of the problems that they have there is that they have a great deal of difficulty in terms of expanding their Main Street area because they can't expand their sewerage treatment facility. Some years ago they couldn't expand because the DEP said they couldn't expand because the size of their sewerage treatment plant and their ability to treat the sewerage coming out of that area to make sure it was clean enough to go into the river. The DEP approached them and said, 'well, we can help you out with that if you'll put in a little bit of money and we'll put in a little bit of money and we'll build you a treatment plant that will double the capacity.' So the community made that investment to double their capacity. They were very excited about it because of the potential for expanding their business in their Main Street area, which is right on the river. Subsequently they were told by the DEP that, opps, they had made a mistake. They had put all this money in, built this beautiful new plant with double the capacity, but they would only be able to license them for half the capacity. This left them exactly where they were. Part of the reason was because of the uncertainty over these dissolved oxygen standards in the Androscoggin River.

I want to commend the Natural Resources Committee and the good Senator from Aroostook, Senator Martin, for shepherding this legislation through the Natural Resources Committee and bringing it here to the floor today. I would encourage the rest of you to, please, support this legislation. Support not just the river, but those people who live along the river and who have lived there for generations and want to continue living along that river. Thank you very much, Madame President.

On motion by Androscoggin, Senator Douglass, 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 Aroostook, Senator Martin to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-467) 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 (#322)

YEAS: Senators: BLAIS, BRYANT, CARPENTER, CATHCART, DAVIS, GAGNON, GILMAN, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, SAVAGE, SAWYER, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

NAYS: Senators: BENNETT, BRENNAN, BROMLEY, DAMON, DOUGLASS, EDMONDS, HALL, ROTUNDO, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-467)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-467) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-467)**.

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:

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services

H.P. 1353 L.D. 1830
(C "A" H-798)

Tabled - April 5, 2004, by Senator **BRENNAN** of Cumberland

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In Senate, March 30, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**, in concurrence.)

(In House, April 2, 2004, **FAILED FINAL PASSAGE**.)

On motion by Senator **BRENNAN** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-493) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (H-798) AND SENATE AMENDMENT "A" (S-493), in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Wednesday, April 7, 2004, at 10:00 in the morning.