

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

In Senate Chamber
Tuesday
April 15, 2003

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

Prayer by Senator Betheda G. Edmonds of Cumberland County.

SENATOR EDMONDS: Good morning. Let us pray.

Holy One of Blessing, Your presence fills creation. As the warm winds bring the warbler and the raptor back home to our skies, let us remember to care for this earth, our home. As the sun warms us here today, let us remember that scene from Your vantage point. We have no human enemies, only brothers and sisters in our worldwide family. As the birds warm the day with their song, and the wood frogs and the peepers warm the night with their song, let us remember that in caring for the least of our brethren, we honor all. Let us remember here, in this chamber, to see beyond ourselves, to the greater good of all of the State of Maine and the world. Amen.

Doctor of the day, Ray Nichols, M.D. of Jonesport.

Reading of the Journal of Monday, April 14, 2003.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator STANLEY for the Committee on **TAXATION** on Bill "An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket" (EMERGENCY)

S.P. 535 L.D. 1575

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-44)**.

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

READ ONCE.

Committee Amendment "A" (S-44) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-44)**.

Ordered sent down forthwith for concurrence.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Require Continuing Education for Professional Engineers"
S.P. 320 L.D. 979

In Senate, April 8, 2003, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-109)**, in **NON-CONCURRENCE.**

On motion by Senator **BROMLEY** of Cumberland, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION.**

COMMUNICATIONS

The Following Communication: S.C. 166

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

April 8, 2003

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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 714 An Act To Establish the Allagash Waterway Advisory Council
- L.D. 723 An Act To Require an Annual Report for the Allagash Wilderness Waterway
- L.D. 1055 An Act To Promote Enforcement Training for Bureau of Parks and Lands Staff
- L.D. 1056 Resolve, To Ensure Orderly Planning for the Allagash Wilderness Waterway
- L.D. 1106 An Act To Require Wilderness Management Training for the Manager of the Allagash Wilderness Waterway

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Linda Rogers McKee
House Chair

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

The Following Communication:

S.C. 167

**121ST LEGISLATURE
COMMITTEE ON
INSURANCE AND FINANCIAL SERVICES**

April 8, 2003

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 bills out "Ought Not to Pass":

- L.D. 434 An Act To Amend the Patient's Bill of Rights Laws
- L.D. 473 An Act To Limit the Interest Rate on Consumer Credit Transactions
- L.D. 566 An Act to Ensure Equality in Mental Health Coverage
- L.D. 630 An Act To Prohibit Mandatory Arbitration in Health Carrier Contracts
- L.D. 712 An Act To Extend Participation in the State's Group Health Plan
- L.D. 857 An Act To Provide Maine Consumers Information about the Cost and Quality of Health Care Services in Maine
- L.D. 873 An Act To Provide Better Access to Information Related to Health Care Reimbursement Rates
- L.D. 936 An Act To Require Insurance Policies To Provide Coverage for Medically Necessary Rehabilitation Services
- L.D. 1168 An Act To Establish a Cap on Credit Card Rates and To Require Notice of a Change in Credit Card Rates

We have also notified the sponsors and cosponsors of each bill listed 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.**

The Following Communication:

S.C. 168

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

April 8, 2003

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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 946 Resolve, To Establish the Commission To Promote Jobs and Economic Development through Ecotourism
- L.D. 1086 An Act To Require a 30-Day Deferment Period To Pay Bills
- L.D. 1092 An Act To Amend the Laws Pertaining to Denturists
- L.D. 1278 An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy B. Sullivan
House Chair

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

The Following Communication:

S.C. 169

**121ST LEGISLATURE
COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

April 8, 2003

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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 283 An Act To Clarify the Law on County Capital Expenditure Accounts
- L.D. 774 An Act To Require the Washington County Legislative Delegation to Review the Final Washington County Budget Estimates
- L.D. 1140 An Act To Provide for the Appointment of County Treasurers, Registers of Deeds and District Attorneys
- L.D. 1289 An Act Concerning County Treasurers
- L.D. 1327 Resolve, To Establish a Commission To Determine Why Young People Are Leaving Maine

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Janet L. McLaughlin
House Chair

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

The Following Communication:

S.C. 170

**121ST LEGISLATURE
COMMITTEE ON
HEALTH AND HUMAN SERVICES**

April 3, 2003

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. 88 An Act to Require that Pharmacy Benefit Plan Bids be Solicited from Nonprofit Pharmacy Benefit Managers
- L.D. 112 An Act Requiring Public Disclosure of Prices Charged by Health Care Providers
- L.D. 132 An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses
- L.D. 727 An Act To Protect Children by Allowing Child Care Facilities To Fingerprint Employees
- L.D. 849 An Act To Ensure Fairness in Maine's Prescription Drug Laws
- L.D. 982 An Act To Increase the Legal Age for the Purchase of Tobacco Products

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. 171

**121ST LEGISLATURE
COMMITTEE ON TAXATION**

April 14, 2003

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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 22 An Act to Expand the Sales Tax
- L.D. 514 An Act To Increase the Personal Income Tax Exemption
- L.D. 781 An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment
- L.D. 783 An Act To Make the Business Equipment Tax Reimbursement Program a Local Option
- L.D. 868 An Act To Immediately Eliminate the Marriage Penalty under the Income Tax Laws
- L.D. 874 An Act To Connect the BETR Program with Job Retention
- L.D. 983 An Act To Phase Out the Tax on Business Equipment
- L.D. 1094 An Act To Replace the Sales Tax with a Gross Receipts Tax
- L.D. 1145 An Act To Create the Maine Community Preservation Fund
- L.D. 1169 An Act To Phase Out the Business Equipment Tax Reimbursement
- L.D. 1204 An Act To Provide for Fairer Income Taxation
- L.D. 1207 An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries
- L.D. 1270 An Act To Increase the Viability of the Dairy Farming Industry
- L.D. 1337 An Act To Stabilize the Maine Dairy Industry, Protect Consumers against Price Gouging on Milk and Eliminate the BETR/TIF Double Dip

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

Sincerely,

S/Sen. Stephen Stanley
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

The Following Communication:

S.C. 172

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 14, 2003

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 bills out "Ought Not to Pass":

- L.D. 387 An Act To Exempt Biodiesel Fuel from the Special Fuel Tax
- L.D. 662 An Act To Increase the Payment for State Police Services on the Maine Turnpike
- L.D. 691 An Act To Amend the Distribution of the General Highway Fund
- L.D. 766 An Act to Improve Highway Signs for Recreational Facilities in Saco
- L.D. 785 An Act To Provide that Gas Purchased for Use in a Generator Be Taxed for Commercial Use
- L.D. 1221 An Act To Prohibit Skateboarding on State Highways
- L.D. 1475 An Act To Amend the Laws Governing School Bus Headlights
- L.D. 1499 An Act To Require the Department of Transportation to Resume Maintenance of Clark's Cove Road

We have also notified the sponsors and cosponsors of each bill listed 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.**

The Following Communication:

S.C. 173

**121ST LEGISLATURE
COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 14, 2003

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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 627 An Act To Provide Funding for a Superior Court Building in Washington County
- L.D. 650 An Act To Improve Technology Funding

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

Sincerely,

S/Sen. Mary R. Cathcart
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

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

The Following Communication:

S.C. 174

**121ST LEGISLATURE
COMMITTEE ON
CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 14, 2003

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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 762 An Act To Require a Juvenile to Pay Restitution after Attaining 18 Years of Age
- L.D. 1237 An Act To Promote Justice for Those Not Guilty of Crimes Due to Mental Disease or Defect

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

The Following Communication:

S.C. 175

**121ST LEGISLATURE
COMMITTEE ON LABOR**

April 14, 2003

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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 457 An Act To Supplement Benefits for State Employees and Teachers Whose Pensions Are Subject to Reductions Enacted in 1993
- L.D. 528 An Act To Increase the Number of Members of the Board of Trustees of the Maine State Retirement System
- L.D. 823 An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers
- L.D. 990 An Act To Provide an Alternative Method of Payment under the Maine State Retirement System
- L.D. 1038 Resolve, Directing the Maine State Retirement System To Study the Windfall Elimination Provision of the Social Security Program
- L.D. 1315 An Act To Change the Retirement Eligibility Qualifications for Certain Military Firefighters and Police Officers

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

Sincerely,

S/Sen. Betheda G. Edmonds
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication:

S.C. 176

**121ST LEGISLATURE
COMMITTEE ON
STATE AND LOCAL GOVERNMENT**

April 14, 2003

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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1446 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Ludlow, Maine

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Janet L. McLaughlin
House Chair

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

John Westbrook Hay, of Westbrook, beloved husband of the late Effie Knowlton Hay, a respected business leader and a longtime member of the Westbrook-Warren Congregational Church. Mr. Hay was a proud member of the Republican Party and had the distinction of being the longest continuously serving registered Republican in Westbrook. He was a longtime member of the Westbrook-Gorham Rotary Club, served as a trustee of the Walker Memorial Library, was a incorporator of Maine Medical Center and was a treasurer of the Cumberland County chapter of the National Foundation for Infantile Paralysis (March of Dimes) and the Maine Funeral Director's Association. Mr. Hay was the state chairman of Mortuary Practice for Maine Civil Defense and a director of the Greater Portland United Way. He also served on the boards of Maine Savings Bank, Westbrook Trust Company and their successors. He was a past master of Temple Lodge and a member of the Odd Fellows, Knights of Pythias and the Westbrook Historical Society. Mr. Hay and his wife were recognized with the first honorary membership in the Westbrook Chamber of Commerce for their outstanding service and dedication to the people of Westbrook. Mr. Hay will be greatly missed by his loving family, friends and many acquaintances throughout the State;

SLS 136

Sponsored by Senator GILMAN of Cumberland.

Cosponsored by Senator: MAYO of Sagadahoc, Representatives: DUPLESSIE of Westbrook, USHER of Westbrook.

READ.

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

Senator **GILMAN:** Thank you, Madame President, men and women of the Senate. It gives me great honor today to speak on behalf of the sentiment for John Westbrook Hay and Effie Knowlton Hay. Mr. Hay was the funeral director of Westbrook's Hay's Funeral Home. The Hay's were a highly dedicated and respected family in the Westbrook community. At Effie's death in the December of 2002, John and Effie were also the longest registered Republicans of the Westbrook community, 72 years.

The Hay's were long time family friends of my husband's family. When my in-laws were married in 1938, their wedding reception was held in the Hay's stately brick home on Main Street. When my husband and I were first married, we rented from the Hay's, right next door. When our children were young, there was a spring ritual that when the snapping turtles would come up from Beaver Pond. The children would run and get Mr. Hay to come and cross them over Main Street so they could go to the Persumpscot River to spawn. Thank you very much, Madame President.

On motion by Senator **GILMAN** of Cumberland, **ADOPTED.**

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2004"

H.P. 852 L.D. 1153

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve"

H.P. 576 L.D. 777

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

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

READ ONCE.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase Protection for Endangered and Threatened Species"

H.P. 246 L.D. 303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-105)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105)**.

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

READ ONCE.

Committee Amendment "A" (H-105) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund"

H.P. 16 L.D. 9

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-106)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-106)**.

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

READ ONCE.

Committee Amendment "A" (H-106) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients"

H.P. 711 L.D. 954

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-104).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-104).**

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

READ ONCE.

Committee Amendment "A" (H-104) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Allow Recipients To Withdraw from Receiving Unemployment Benefits by Phone and at Any Time before Receiving Benefits"

H.P. 712 L.D. 955

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-103).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103).**

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

READ ONCE.

Committee Amendment "A" (H-103) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Require Motorists To Use Caution When Approaching a Safety Zone"

H.P. 614 L.D. 837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY AS AMENDED BY COMMITTEE AMENDMENT "A" (H-102).**

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

READ ONCE.

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on
Resolve, To Allow Public Camping on Number 9 Lake in Aroostook County
H.P. 450 L.D. 620

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

Signed:

Senators:

BRYANT of Oxford
KNEELAND of Aroostook
YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
PIOTTI of Unity
SMITH of Monmouth
CHURCHILL of Orland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-101)**.

Signed:

Representatives:

CARR of Lincoln
HONEY of Boothbay
FLETCHER of Winslow
EDER of Portland

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

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expand the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector"

H.P. 499 L.D. 682

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-89)**.

Signed:

Representatives:

SULLIVAN of Biddeford
O'BRIEN of Lewiston
PELLON of Machias
SMITH of Monmouth
AUSTIN of Gray
BERUBE of Lisbon
JACOBSEN of Waterboro
ROGERS of Brewer

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

Signed:

Senator:

BROMLEY of Cumberland

Representative:

RECTOR of Thomaston

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-89) AS AMENDED BY HOUSE AMENDMENT "A" (H-110)** thereto.

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-89) **READ**.

House Amendment "A" (H-110) to Committee Amendment "A" (H-89) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-89) as Amended by House Amendment "A" (H-110) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Exclude Voluntary Intoxication as a Criminal Defense" (EMERGENCY)
H.P. 592 L.D. 815

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

Signed:

Senators:

HATCH of Somerset
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
MAIETTA of South Portland
SYKES of Harrison
GROSE of Woolwich
GREELEY of Levant
BLANCHETTE of Bangor

CHURCHILL of Washburn
LESSARD of Topsham

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SNOWE-MELLO of Poland
GERZOFSKY of Brunswick

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Senate

Ought to Pass As Amended

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act To Establish a Transportation Assistance Program and Revolving Loan Fund"

S.P. 116 L.D. 334

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-43)**.

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

READ ONCE.

Committee Amendment "A" (S-43) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Amend the Maine State Grant Program"

H.P. 950 L.D. 1296

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

House As Amended

Bill "An Act To Provide Parity in Lending by State-chartered Lenders"

H.P. 234 L.D. 291
(C "A" H-32)

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

Senate As Amended

Bill "An Act To Study the Development of an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

S.P. 134 L.D. 397
(C "A" S-40)

Bill "An Act Regarding Mortuary Trusts"

S.P. 240 L.D. 676
(C "A" S-39)

Bill "An Act To Educate Consumers Regarding Voluntary Repossession"

S.P. 300 L.D. 904
(C "A" S-42)

Bill "An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds"

S.P. 465 L.D. 1409
(C "A" S-41)

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled Unassigned matter:

Bill "An Act To Reapportion the Districts for Representatives to the United States Congress"
H.P. 1139 L.D. 1556

Tabled - April 10, 2003, by Senator **TREAT** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, April 10, 2003, **PASSED TO BE ENGROSSED**.)

(In Senate, April 10, 2003, **READ A SECOND TIME**.)

On motion by Senator **TREAT** of Kennebec, Senate Amendment "B" (S-47) **READ**.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. This is the first bill of three, which we will be addressing momentarily, concerning redistricting. This is an amendment to the redistricting bill concerning Representatives to the United States Congress. The amendment does two things. It ensures that the 2/3rd majority that is currently in statute does apply to this bill and it also 'notwithstands.' It says it is applicable with the language that says we must make these decisions within 120 days, since that 120 day period has already passed. Two very narrow things. I ask for your support.

On further motion by same Senator, Senate Amendment "B" (S-47) **ADOPTED**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-47)**, in **NON-CONCURRENCE**.

The Chair laid before the Senate the following Tabled and Later (4/10/03) Assigned matter:

An Act To Reapportion the House Legislative Districts

H.P. 1138 L.D. 1555

Tabled - April 10, 2003, by Senator **WOODCOCK** of Franklin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2003, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.)

(In House, April 10, 2003, **PASSED TO BE ENACTED**.)

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 (#31)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, KNEELAND, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TREAT, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, GILMAN, LEMONT, SAWYER, SHOREY, TURNER, WESTON, YOUNGBLOOD

ABSENT: Senator: LAFOUNTAIN

Pursuant to Article IV, Part First, Section 3, of the Constitution and having received the affirmative vote of 25 Members of the Senate, with 9 Senators having voted in the negative, with 1 Senator

being absent and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the following Tabled and Later (4/10/03) Assigned matter:

An Act To Reapportion the County Commissioner Districts

H.P. 1140 L.D. 1557

Tabled - April 10, 2003, by Senator **WOODCOCK** of Franklin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 10, 2003, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.)

(In House, April 10, 2003, **PASSED TO BE ENACTED**.)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Establish the Commercial Fishing Safety Council" (EMERGENCY)

S.P. 478 L.D. 1440

(C "A" S-32)

In Senate, April 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32) AND HOUSE AMENDMENT "A" (H-126)**, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED**.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, April 16, 2003, at 10:00 in the morning.