

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

In Senate Chamber
Tuesday
May 6, 2003

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

Prayer by Reverend Edward Hatch, Palermo Christian Church.

REVEREND HATCH: Before I pray this morning, I just have a couple of remarks. First of all, I want to let you know that on Thursday, the National Day of Prayer, this past week, our church was praying for you, as a group. For those who represent the people who are part of our congregation, we prayed for you by name. We prayed not only for the decisions you make, but we also understand that, as public servants, you also have other pressures in your life. It was our prayer that you folks would be able to work through all the busyness of the things you have to, in order to do the job that you need to do here as well.

This past Sunday a lady came to me and she said, 'I heard that your old man passed away.' I looked at her strangely because my father and step-father both had died quite a number of years ago, and was wondering what she was talking about. She said, 'yes, he fell off the mountain.' It occurred to me that I used to live in New Hampshire, went to school there, and we used to sometimes go by the Old Man of the Mountain in New Hampshire. So I was rather amused by what she had to say. It is very interesting, that landmark, a 40' long landmark, just came sliding down in the clouds. No one saw it fall. I guess you can buy pieces of it today on E-Bay.

A State Park Official said, 'we always thought it was the hand of God holding him up and that He let go.' Daniel Webster once said of the Old Man of the Mountain that, in the mountains of New Hampshire, God Almighty has hung out a sign to show that He makes men. I thought those were interesting comments. Several of the local people felt that the Old Man would fall some time, but they said, 'not during our lifetime.' They had used cables and epoxy to keep it up. They thought it would be around forever, as far as they were concerned, but down he came.

One of the reasons is that the Old Man of the Mountain had no foundation. It was just an outcropping of rock that was coming out from the side. There was nothing underneath him to hold him up. So he fell. The very design of the Old Man caused his demise. Our state, and our nation as well, was built on a foundation. We are endowed by our Creator with certain inalienable rights of life, liberty, and the pursuit of happiness. We are a nation of laws, which this body of people makes. If we move from our foundation, the state, as we know it, could fall because its weight would have moral support. The citizens of this state have entrusted you with great responsibility. Your decisions impact every one of us.

I was in the post office this morning. I'm not normally dressed up like I am. One of the ladies there said, 'where are you going?' I said, 'to pray for the Senate.' She said, 'make sure that you tell them to look out for the small people.' So I said to her, 'everybody under 5'5"?' She said, 'no, for all the people who don't make much money.' I said, 'well I guess I won't have them pray for the postal workers than, but maybe for the ministers and pastors.' Remember the small people. Your decisions really do impact them.

Our nation was founded on Christian principles. It is my belief that they are good, that they work, that they stand the test of time. I recommend them to you as a firm and strong foundation. Let us pray.

God, I thank You this morning for each one of the men and women who devote their time to serve the citizens of this state. Lord, the responsibilities that they have are great. The number of people who are demanding their time and attention are many. None of the decisions that they make in here will be accepted by all of the people. It is my prayer, God, that You would help them as they debate the various bills, as they talk with one another in the halls, and as they meditate on the tasks that are before them. Help them to make the decisions that will stand the test of time. We ask for Your help and bless them for their efforts. In Jesus' name. Amen.

Reading of the Journal of Monday, May 5, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill " An Act To Protect Children 14 and 15 Years of Age from Sexual Contact with Adults"
H.P. 528 L.D. 722
(C "A" H-155)

In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155) AS AMENDED BY HOUSE AMENDMENT "A" (H-257)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Correct Certain Errors and Inconsistencies in Laws Relating to Marine Resources"
H.P. 1076 L.D. 1471

In Senate, April 29, 2003, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-247)**, in **NON-CONCURRENCE**.

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

Joint Resolutions

The following Joint Resolution:

H.P. 1174

JOINT RESOLUTION IN MEMORY OF MARY "MAME" OLSSON

WHEREAS, Mary "Mame" Olsson, of Waterville, passed away on March 23, 2003 after a short illness and will be remembered as a "heck of a dancer" and an accomplished speaker and master of ceremonies. She dedicated her life's work to veterans and veterans' causes and was always there to help the less fortunate with a helping hand; and

WHEREAS, Mame was born in East Millinocket in 1916, the daughter of Richard and Nina Canavan, and graduated from Calais Academy, where she was an outstanding basketball player. She attended Crabbe Business School in 1935. In 1935, she also married her high school sweetheart, Orville "Swede" Olsson. They were married for 53 years, until his death in 1988; and

WHEREAS, Mame was a 58-year member of Bourque-Lanigan Post 5 American Legion Auxiliary and held all the offices in that organization, as well as being the American Legion's Auxiliary Department state president in 1974-1975 and a member of numerous other veterans organizations. She was a recipient of the Elks Mother of the Year and, like her mother Nina, was honored as Waterville's Citizen of the Year; and

WHEREAS, Mame was a VAVS volunteer at Togus, with thousands of dedicated hours of volunteer work for the veterans, marching in 53 consecutive Veterans' Day and Memorial Day parades until illness forced her to ride in the last 5 parades for each organization. She was the Democratic Party city chairwoman for Waterville during the 1950s and worked and volunteered for numerous community charities; and

WHEREAS, while she personified the ideal of volunteerism, Mame also worked for years in such positions as waitress in area restaurants, surgical technician at Thayer Hospital for many years, and concession stand manager for Reid State Park with her husband. She also owned Mame Olsson Luncheonette with her son from 1991-1997; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Regular Session, on behalf of the people of the State of Maine, take this opportunity to recognize and honor the life of a Maine woman who exemplified the best of the Maine spirit of volunteerism and who cheerfully dedicated her energies to raise a family and to assist and help others, most notably the veterans of the State of Maine who served this land; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the children of this remarkable woman, Joyce Pinkham of Brunswick and Orville Olsson of Waterville.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

S.P. 555

STATE OF MAINE
121ST MAINE LEGISLATURE

Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on
Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on
Judiciary
121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Jane S. Bradley of Freeport for reappointment as a District Court Judge; Bernard Staples of Bar Harbor for reappointment as a District Court Judge; and David Griffiths of Presque Isle for appointment as a District Court Judge in Active Retired Capacity.

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

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

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

Sent down for concurrence.

The Following Communication:

S.P. 556

**STATE OF MAINE
121ST MAINE LEGISLATURE**

May 2, 2003

Sen. Christopher G.L. Hall
Senate Chair, Joint Standing Committee on
Utilities and Energy
Rep. Lawrence Bliss
House Chair, Joint Standing Committee on
Utilities and Energy
121st Legislature
Augusta, ME 04333

Dear Senator Hall and Representative Bliss:

Please be advised that Governor John E. Baldacci has nominated Sharon Reishus of Cambridge, MA for appointment to the Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A. §105, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and REFERRED to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

The Following Communication:

S.P. 557

**STATE OF MAINE
121ST MAINE LEGISLATURE**

May 2, 2003

Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
Rep. Linda Rogers McKee
House Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:

Please be advised that Governor John E. Baldacci has nominated Ralph Barnett of Brookton for appointment to the Land Use Regulation Commission.

Pursuant to Title 12, M.R.S.A. §683, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

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

Sent down for concurrence.

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

The Following Communication:

S.C. 213

**121ST LEGISLATURE
COMMITTEE ON LABOR**

May 1, 2003

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 Labor has had under consideration the nomination of Laura Fortman of Nobleboro, for appointment as the Commissioner of the Department of Labor.

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	Edmonds of Cumberland, Blais of Kennebec, Stanley of Penobscot
	Representatives	10	Smith of Van Buren, Cressey of Baldwin, Hatch of Skowhegan, Heidrich of Oxford, Hutton of Bowdoinham, Jackson of Fort Kent, Nutting of Oakland, Patrick of Rumford, Treadwell of Carmel, Watson of Bath
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 Laura Fortman of Nobleboro, for appointment as the Commissioner of the Department of Labor be confirmed.

Signed,

S/Betheda G. Edmonds
Senate Chair

S/William J. Smith
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR** 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 (#45)

YEAS: Senators: None

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

ABSENT: Senators: BLAIS, SHOREY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, 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 **Laura Fortman** of Nobleboro, for appointment as the Commissioner of the Department of Labor 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, the new Commissioner of the Department of Labor, Laura Fortman.

The Following Communication:

S.C. 214

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

May 1, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to my authority under Chapter 58, P & S 1999, I am re-appointing myself to the Capital Riverfront Improvement District Governing Board.

Please let me know if you have any questions regarding this appointment.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **TRANSPORTATION** on Bill "An Act To Declare Maine Aviation and Aerospace Education Week"

H.P. 1173 L.D. 1599

Reported that the same **Ought to Pass**, pursuant to Joint Order 2003, H.P. 1159.

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

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

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

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Forester Law"

H.P. 1063 L.D. 1455

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.

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

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Licensing Requirements for Veterinarians"

H.P. 1098 L.D. 1505

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.

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

The Committee on **JUDICIARY** on Bill "An Act To Implement the Maine Assistance Program for Lawyers"

H.P. 934 L.D. 1262

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.

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

The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Improvident Transfers of Title"

H.P. 947 L.D. 1275

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.

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

The Committee on **JUDICIARY** on Bill "An Act To Allow District Attorneys To Approve Immunity Requests"

H.P. 1026 L.D. 1399

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.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street

H.P. 1057 L.D. 1445

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

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

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

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody"

H.P. 1115 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-232)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)**.

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

READ ONCE.

Committee Amendment "A" (H-232) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Fairness Regarding Use of Consumer Credit Reports in Insurance Underwriting"
H.P. 362 L.D. 470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-220)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220)**.

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

READ ONCE.

Committee Amendment "A" (H-220) **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 **JUDICIARY** on Bill "An Act To Clarify and Improve the Fairness of the Law of Trustee Process"
H.P. 449 L.D. 586

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-221)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**.

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

READ ONCE.

Committee Amendment "A" (H-221) **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 **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games"
H.P. 301 L.D. 381

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

READ ONCE.

Committee Amendment "A" (H-227) **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 **UTILITIES AND ENERGY** on Bill "An Act To Provide Parity in Funding for Enhanced 9-1-1 Services"

H.P. 570 L.D. 771

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**.

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

READ ONCE.

Committee Amendment "A" (H-217) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Penalties for Writing Bad Checks"

H.P. 321 L.D. 413

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

Signed:

Senators:

STRIMLING of Cumberland
HATCH of Somerset
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
MAIETTA of South Portland
SYKES of Harrison
GROSE of Woolwich
GERZOFSKY of Brunswick
CHURCHILL of Washburn
LESSARD of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

GREELEY of Levant
BLANCHETTE of Bangor
SNOWE-MELLO of Poland

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

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-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 **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Keep Foster Children Safe and Healthy"

H.P. 63 L.D. 55

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170)**.

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
KANE of Saco
WALCOTT of Lewiston
LEWIN of Eliot
LAVERRIERE-BOUCHER of Biddeford
CURLEY of Scarborough

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

Signed:

Senator:

WESTON of Waldo

Representatives:

DUGAY of Cherryfield
CAMPBELL of Newfield

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-170) AS AMENDED BY HOUSE AMENDMENT "B" (H-240)** thereto.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Directing the Bureau of Insurance To Determine the Costs of All Existing Health Insurance Mandates

H.P. 503 L.D. 686

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

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
MAYO of Sagadahoc

Representatives:

PERRY of Calais
BREAULT of Buxton
CANAVAN of Waterville
WOODBURY of Yarmouth
O'NEIL of Saco
YOUNG of Limestone
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-219)**.

Signed:

Representatives:

VAUGHAN of Durham
GLYNN of South Portland
SNOWE-MELLO of Poland

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

Reports **READ**.

On motion by Senator **LaFOUNTAIN** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Limit the Undesignated Surplus of Counties to 15% of the Annual Operating Budget"

H.P. 326 L.D. 418

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York
GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
SUKEFORTH of Union

BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland

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

Reports **READ**.

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

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County
H.P. 425 L.D. 562

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
SUSLOVIC of Portland
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-225)**.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
BOWEN of Rockport
SUKEFORTH of Union

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

Reports **READ**.

Senator **ROTUNDO** of Androscoggin 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 **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Duration of the Legislative Session

H.P. 826 L.D. 1123

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

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
SUSLOVIC of Portland
SUKEFORTH of Union
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-226)**.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush
STONE of Berwick
CROSTHWAITE of Ellsworth
BOWEN of Rockport

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

Reports **READ**.

Senator **ROTUNDO** of Androscoggin 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 **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell

H.P. 1070 L.D. 1465

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-224)**.

Signed:

Senators:

ROTUNDO of Androscoggin
LaFOUNTAIN of York
GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth
KETTERER of Madison
BARSTOW of Gorham
BOWEN of Rockport
SUSLOVIC of Portland
SUKEFORTH of Union
BUNKER of Kossuth Township

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush
CROSTHWAITE of Ellsworth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-224) **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 Resolve, To Establish a System for Electronic Filing of Death Certificates

S.P. 291 L.D. 896

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

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

READ ONCE.

Committee Amendment "A" (S-104) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Comprehensive Cancer Control in Maine"

S.P. 314 L.D. 973

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

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

READ ONCE.

Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator ROTUNDO for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority" (EMERGENCY)

S.P. 405 L.D. 1199

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

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

READ ONCE.

Committee Amendment "A" (S-103) **READ** and **ADOPTED**.

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Provide Energy Opportunities to Northern Maine

S.P. 86 L.D. 163
(C "A" S-48)

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

Emergency Measure

An Act To Amend the Charter of the Lubec Water and Electric District

S.P. 242 L.D. 678
(C "A" S-46)

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

Emergency Measure

An Act Concerning the Provision of Information and Services to Businesses and Workers in Response to Certain Events

H.P. 675 L.D. 918
(C "A" H-183)

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

Emergency Measure

An Act To Amend the Charter of the Madawaska Water District

S.P. 308 L.D. 967
(C "A" S-45)

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

Emergency Measure

An Act To Encourage Economic Development in Piscataquis County

S.P. 445 L.D. 1357
(C "A" S-59)

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

Acts

An Act Relating to the Operation of Snowmobiles

S.P. 130 L.D. 354
(C "A" S-50)

An Act To Clarify Ownership Rights to Repossessed Vehicles

S.P. 148 L.D. 430
(C "A" S-60)

An Act To Require Public Meetings prior to Dam Removal

S.P. 247 L.D. 709
(C "A" S-64)

An Act Relating to Existing Life-care Communities Licensed by the Superintendent of Insurance
S.P. 275 L.D. 796
(C "A" S-55)

An Act To Amend the Standard Water District Enabling Act
S.P. 283 L.D. 804
(C "A" S-51)

An Act To Create Equality in Medicare Supplement Insurance Policies
S.P. 298 L.D. 902
(C "A" S-56)

An Act To Protect Employees if Their Employer Fails To Pay Premiums for Employer-sponsored Health Insurance
S.P. 301 L.D. 905
(C "A" S-57)

An Act To Amend the Constitution of the Maine Episcopal Missionary Society
S.P. 312 L.D. 971
(C "A" S-49)

An Act To Criminalize Noncompliance with an Interstate Compact for Adult Offender Supervision
S.P. 354 L.D. 1023

An Act Regarding Energy Efficiency Standards
H.P. 975 L.D. 1321
(C "A" H-179)

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 Offer Zero-interest Loans to Employers Providing Bicycle Facilities
H.P. 624 L.D. 847
(C "A" H-181)

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

Resolves

Resolve, Relating to the Consideration of the Cumulative Effect on Protected Natural Resources
H.P. 197 L.D. 242
(C "A" H-134)

Resolve, Directing the Department of Labor To Publish Annually Economic and Workforce Information Concerning the Canadian Maritime Provinces
H.P. 554 L.D. 748
(C "A" H-184)

Resolve, Directing the Maine State Cultural Affairs Council To Examine Available Funding for Local Historical Societies
H.P. 787 L.D. 1069
(C "A" H-133)

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

Resolve, Directing the Department of Human Services To Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities

H.P. 538 L.D. 732
(C "A" H-168)

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Revise and Amend Certain Public Health Laws"

H.P. 1175 L.D. 1602

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Joint Order
Joint Standing Committee on Legal and Veterans Affairs**

The **Joint Standing Committee on Legal and Veterans Affairs**, pursuant to Joint Order 2003, H.P. 1155 asked leave to report that the accompanying Resolve, Authorizing Michaela Corbin-Bumford To Sue the State

H.P. 1177 L.D. 1603

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1179

WHEREAS, 180,000 Maine residents are currently without health care coverage; and

WHEREAS, Maine government, businesses, and individuals collectively spend \$5,000,000,000 a year on health care; and

WHEREAS, in the last decade Maine's health care costs grew faster than those of any other state in the United States; and

WHEREAS, health care costs are the leading cause of personal bankruptcy; and

WHEREAS, Maine small businesses recently reported that health care costs are a greater concern than taxes; and

WHEREAS, Governor John E. Baldacci has recently introduced comprehensive legislation designed to address health care costs, quality and access; and

WHEREAS, that legislation raises issues that are normally placed before several different joint standing committees of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that, pursuant to Joint Rule 351, the Joint Select Committee on Health Care Reform, referred to in this order as "the committee," is established and consists of 4 members of the Senate appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of the House. The first-named Senate and House members shall serve as cochairs of the committee. The membership of the committee must be selected from the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Appropriations and Financial Affairs. The committee shall consider and make recommendations on any legislation referred to it by the bodies.

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

READ and **PASSED**, in concurrence.

Off Record Remarks

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

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

Senator **MITCHELL** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, May 7, 2003, at 10:00 in the morning.