

STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
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In Senate Chamber
Friday
June 13, 2003

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

Prayer by Senator Peggy A. Pendleton of Cumberland County.

SENATOR PENDLETON: Thank you, Madame President. Good morning. I would like to share a prayer with you that was written by St. Francis of Assisi. I hope you will enjoy it.

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is discord, unity. Where there is doubt, faith. Where there is error, truth. Where there is despair, hope. Where there is sadness, joy. Where there is darkness, light.

Oh Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love for. For it is in giving that we receive. It is in pardoning that we are pardoned. It is in dying that we are born to eternal life. Amen.

Reading of the Journal of Thursday, June 12, 2003.

Off Record Remarks

ENACTORS

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

Emergency Measure

An Act To Strengthen the Energy Resources Council

S.P. 233 L.D. 669
(H "A" H-567 to C "A" S-200)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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 Simplify Calculation of Legal Interest

H.P. 835 L.D. 1132
(H "B" H-571)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

Act

An Act To Implement School Funding Based on Essential Programs and Services
S.P. 575 L.D. 1623
(C "A" S-258)

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

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

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

ENACTORS

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

Emergency Measure

An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs

H.P. 1187 L.D. 1611
(C "A" H-565)

Comes from the House, **FAILED ENACTMENT**.

On motion by Senator **LAFOUNTAIN** of York, 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 (#167)

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

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GAGNON, GILMAN, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, WESTON

ABSENT: Senator: YOUNGBLOOD

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 14 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

Senator **GAGNON** of Kennebec moved the Senate **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in concurrence.

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 Make Minor Technical Changes to the Maine Biomedical Research Program"
S.P. 436 L.D. 1345
(S "A" S-269 to C "A" S-158)

In Senate, June 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158) AS AMENDED BY SENATE AMENDMENT "A" (S-269)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-158) AS AMENDED BY HOUSE AMENDMENT "A" (H-579)** thereto, in **NON-CONCURRENCE**.

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

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

ENACTORS

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

Emergency Resolve

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
(S "A" S-277 to C "A" H-168)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters
H.P. 989 L.D. 1343
(C "A" H-190; S "A" S-275)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Long-term Care Oversight Committee

H.P. 65 L.D. 57
(S "A" S-276 to C "A" H-443)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

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

ENACTORS

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

Acts

An Act to Amend Certain Provisions of the Program Evaluation and Government Accountability Laws

H.P. 59 L.D. 51
(C "A" H-361)

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Improve the Maine Rx Program

S.P. 590 L.D. 1634
(H "A" H-570)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#168)

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

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

ABSENT: Senator: YOUNGBLOOD

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President were 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

Joint Order

The following Joint Order:

H.P. 1211

ORDERED, the Senate concurring, that the joint rules be amended by amending Joint Rule 371 to read as follows:

Rule 371. Government Oversight Committee.

The Government Oversight Committee, referred to in this Rule as "the committee," is established. The committee consists of ~~2~~ 6 members of the Senate and 6 members of the House of Representatives and must be evenly divided between the 2 largest political parties represented in each chamber. The President of the Senate shall appoint ~~2~~ 6 Senators, ~~one~~ 3 from the political party holding the majority of seats in the Senate and ~~one~~ 3 from the political party holding the majority of the remainder of the seats in the Senate. The first-named Senator is the Senate chair. The Speaker shall appoint 6 members, 3 from the political party holding the majority of seats in the House and 3 from the political party holding the majority of the remainder of the seats in the House. The first-named member of the House is the House chair.

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

READ.

Pursuant to Joint Rule 102 a Division was had. 34 Members having voted in the affirmative and no Members having votes in the negative, with 34 being more than two-thirds of the members present and voting, the Joint Order was **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator **PENDLETON**, to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **PEGGY A. PENDLETON** of Cumberland County.

ORDERS OF THE DAY

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

An Act to Amend Certain Provisions of the Program Evaluation and Government Accountability Laws

H.P. 59 L.D. 51
(C "A" H-361)

Tabled - June 13, 2003, by Senator **TREAT** of Kennebec

Pending - **ENACTMENT**, in concurrence.

(In Senate, June 12, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361).**)

(In House, June 12, 2003, **PASSED TO BE ENACTED.**)

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

The President Pro Tem requested the Sergeant-At-Arms escort the Kennebec, Senator **DAGGETT** to the rostrum where she resumed her duties as President.

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **PENDLETON** to her seat on the floor.

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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.

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

Off Record Remarks

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 and Later Today Assigned matter:

Emergency Measure

An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs

H.P. 1187 L.D. 1611
(C "A" H-565)

Tabled - June 13, 2003, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in concurrence

(In House, June 12, 2003, **FAILED ENACTMENT**.)

(In Senate, June 13, 2003, **FAILED ENACTMENT**, in concurrence.)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT**, in concurrence.

On motion by Senator **TREAT** of Kennebec, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565)**, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-565), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-288) to Committee Amendment "A" (H-565) **READ**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#169)

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, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: None

ABSENT: Senator: YOUNGBLOOD

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **TREAT** of Kennebec to **ADOPT** Senate Amendment "B" (S-288) to Committee Amendment "A" (H-565), **PREVAILED**.

On motion by Senator **NASS** of York, 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 (#170)

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

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, LEMONT, NASS, SAVAGE, SHOREY, WESTON

ABSENT: Senator: YOUNGBLOOD

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, Committee Amendment "A" (H-565) as Amended by Senate Amendment "B" (S-288) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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 (#171)

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

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, LEMONT, NASS, SAVAGE, SHOREY, WESTON

ABSENT: Senator: YOUNGBLOOD

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565) AS AMENDED BY SENATE AMENDMENT "B" (S-288)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Limit the Growth of Government Spending"

S.P. 453 L.D. 1383

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

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH 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" (S-283)**.

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

Reports **READ**.

Senator **CATHCART** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I would ask that you vote against the pending motion that is before us with respect to this item. I do believe that we have made significant progress in recognition that limitations on the growth in spending have an important role for us as we go forward with our government and in understanding and recognizing that the roller coasters that we have put our people on, through the late 1980's and into the 1990's and now into the early 21st century, needs to be a thing of the past. What I would hope you would do, in reviewing the language that we have before us in our budget that we recently passed, that you would appreciate those things that we are doing with respect to limitations in the growth in spending, with respect to stabilizing the fund, and how those monies might be used need further strengthening. If you feel that way and you would like to have our limitations be more tightly constructed, have our stabilizer fund be slightly larger, and then the money spent should be focused on the two very fierce things that are of concern to both sides of the aisles. The looming mushroom cloud that sits out in front of us with respect to unfunded liabilities for our employees and the retirement system. That retirement system also extends to our teachers across the state, as you well know. The mechanism that is currently in our budget that would allow monies to flow to that looming liability before us needs strengthening. The concerns we have with respect to conformance between our state income tax and our federal income tax is an issue that is becoming more and more problematic for us, as a people. I would urge that you vote against the pending motion, so we can move on to the minority report and further strengthen the stabilization language and the limitations on growth in spending, which is so very important to our future. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cathcart.

Senator **CATHCART:** Thank you, Madame President and members of the Senate. I hope you will support the pending motion of ought not to pass from the Appropriations Committee. I do not see that there is need for this bill. I believe that we have already taken care of this issue in the budget that we passed a couple of days ago. Of course, we all need to hold down our government

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

ABSENT: Senator: YOUNGBLOOD

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **CATHCART** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

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 **TAXATION** on Bill "An Act Regarding Conformity with the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003"

S.P. 589 L.D. 1633

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-284)**.

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach
SUSLOVIC of Portland
SIMPSON of Auburn
PERRY of Bangor
LERMAN of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-285)**.

Signed:

Senator:

NASS of York

Representatives:

TARDY of Newport
McCORMICK of West Gardiner
CLOUGH of Scarborough
COURTNEY of Sanford

Reports **READ**.

Senator **STANLEY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-284)** Report.

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

Senator **NASS**: Thank you, Madame President, men and women of the Senate. Again we have a conformity piece before us. It surprised me, because we did one conformity piece already. It took a lot of money away from the people of Maine. This is a federal piece of legislation, a tax reduction piece, which just passed a couple of weeks ago in the Congress, and was signed by the President. It has all of the flavor of the other pieces of conformity, so there is really nothing different about this. Basically, we're not conforming. That is what it boils down to.

Maine conforms with the federal tax code, as far as exemptions and starting points, for the people of Maine to figure out what their state income tax is going to be. This bill denies that benefit to the people of Maine. The people of Maine will pay more taxes than they would have if we did conform.

I look at this, Madame President, as a tax increase. If you want to cut it some other way, that's fine, but that is what this is. It is particularly galling, because there are other parts of this bill that we seem all too eager to sign onto. In fact, we're bailing out the current administration and their Dirigo Health Plan with the same money that came out of this particular federal act. It didn't bother us one minute to take that federal money. It is particularly interesting that, by virtue of this act, we're going to deny the people of Maine tax reductions, but we're only too happy to take the federal money that the State of Maine will, in fact, use for Dirigo Health. At the same time, it gets even worse than that because that money was supposed to be used to pay for so-called federal mandates that we complain about around here constantly. No Child Left Behind and special education are all going to be constantly complained about during this session and after. This money could have been used for that. Instead, we have chosen to spend it on a new program, something we do every year, all the time, in this state. We shouldn't. If we pass this bill, we have right to complain about these federal mandates, in my opinion. We had the money in hand and we chose, as we always do in this state, to spend it on a new program. I urge you to vote against the report in front of us.

Senator **DAVIS** of Piscataquis requested a Roll Call.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Stanley.

Senator **STANLEY**: Thank you, Madame President, ladies and gentlemen of the Senate. I stand in front of you with this bill. This is a conformity bill. Everybody knows what is going on with the budget and everything else. I urge your support of the committee's majority Ought to Pass as Amended by Committee Amendment "A" (S-284) report. Thank you.

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

Senator **TREAT**: Thank you, Madame President, men and women of the Senate. I urge you to support the majority Ought to Pass as Amended report. I would simply say that it is far more fiscally responsible to spend \$53 million of one-time federal money to start a health insurance program that will ultimately cover 180,000 Maine people who do not have health insurance right now, and along the way assist many small businesses that seek to do that, than to use that money to fund what will be an ongoing obligation many years out into the future. The federal money that we did receive was not specifically targeted to federal mandates. Half of it was discretionary, and to fulfill cuts. Half of it was going into the Medicaid Program. It is a perfectly appropriate use of that money to dedicate some of it to the Dirigo Health Program. I, for one, am very glad that I just voted to do that. 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 pending question before the Senate is the motion by the Senator from Penobscot, Senator Stanley to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-284) 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 (#173)

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

ABSENT: Senator: YOUNGBLOOD

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **STANLEY** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-284)** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-284) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-284)**.

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

H.P. 363 L.D. 471
(S "A" S-281 to C "A" H-464)

In Senate, June 12, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AS AMENDED BY SENATE AMENDMENT "A" (S-281)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AS AMENDED BY HOUSE AMENDMENT "B" (H-585)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Concerning Recognition of Qualified Political Parties"

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-379)**.

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

SENATE PAPERS

Bill "An Act Concerning Illegal Introduction of Fish into Maine Waters" (EMERGENCY)
S.P. 592 L.D. 1635

Sponsored by Senator BRYANT of Oxford. (GOVERNOR'S BILL)
Cosponsored by Representative DUNLAP of Old Town and Representatives: CLARK of Millinocket, HONEY of Boothbay, JODREY of Bethel, PINEAU of Jay, RICHARDSON of Greenville, TOBIN of Dexter, TRAHAN of Waldoboro, WHEELER of Kittery.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

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

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

ENACTORS

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

Emergency Measure

An Act To Make Minor Technical Changes to the Maine Biomedical Research Program and To Amend the Calculation of Funds To Be Transferred to the Maine Research and Development Evaluation Fund

S.P. 436 L.D. 1345
(H "A" H-579 to C "A" S-158)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

ORDERS OF THE DAY

The Chair laid before the Senate the following matter Tabled pending a Ruling of the Chair:

Bill "An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty"
H.P. 477 L.D. 647

Tabled - May 22, 2003

Pending - **RULING OF THE CHAIR**

(In House, May 20, 2003, 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-389) AS AMENDED BY HOUSE AMENDMENT "A" (H-461)** thereto.)

(In Senate, May 22, 2003, motion by Senator **BRYANT** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-390)** Report **FAILED**. The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)** Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-389) **READ**. Senator **MARTIN** of Aroostook inquired if Committee Amendment "A" (H-389) was **GERMANE**.)

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair has been asked to rule on the germaneness of the proposed Committee Amendment "A" (H-389) to L.D. 647, "An Act to Prohibit Personal Watercraft on Lake St. George in the Town of Liberty." In addition to prohibiting personal watercraft on Lake St. George, the amendment would establish a process to review recommendations to limit the use of personal watercraft on other great ponds.

The question of germaneness is governed by Mason's Manual of Legislative Procedure, Sec. 402. Mason's reads, in part, "to determine whether an amendment is germane, the question to be answered is whether the amendment is relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal."

In making this ruling, I also referred to the precedents set by prior Rulings in this body. On May 19, 1999, Senate President Mark W. Lawrence ruled that a proposed amendment was not germane because 'the Amendment changes the substance of the Bill significantly from what the title reflects and since this Bill had a public hearing in Committee and people affected by this Amendment were not able to attend that hearing, this Amendment therefore would not be germane...'

The logic of that ruling applies in the question before the Chair. The Bill title relates only to Lake St. George. The Amendment relates to all Great Ponds. Many people affected by this Amendment had no notice of this proposal. Therefore, Committee Amendment "A" (H-389) is not germane to this Act."

The Chair **RULED COMMITTEE AMENDMENT "A" (H-389) NOT GERMANE**.

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

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-286) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-286), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Resolve

Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices

H.P. 359 L.D. 467
(C "A" H-235)

Tabled - May 13, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 7, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-235)**, in concurrence.)

(In House, May 12, 2003, **FINALLY PASSED.**)

On motion by Senator **GAGNON** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Prepare Maine's Students for Active Citizenship

H.P. 333 L.D. 425
(C "A" H-239)

Tabled - May 28, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 22, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**, in concurrence.)

(In House, May 27, 2003, **FINALLY PASSED.**)

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Act

An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs

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 (#174)

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

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, NASS, SAVAGE, SHOREY, WESTON

ABSENT: Senators: LEMONT, YOUNGBLOOD

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

Charles E. Day, of Lewiston, a well-respected businessman and developer with a long history of achievements. Mr. Day, the beloved husband of Sylvia Benson Day, was the president and director of the Benson and Sullivan Company, a wholesale distributor throughout Maine and northern New Hampshire. He was the founder of National Vending Company in 1955, and in 1959 he founded Value House, with its first catalog showroom in Lewiston. In a decade, he opened a total of 20 showrooms throughout New England, New York and New Jersey, selling them to Supermarket General Corporation in 1971. Mr. Day also founded the International Contracting Company and several jewelry stores in Florida, Virginia, Pennsylvania and the Washington, D.C. area. He was President of Lewiston Raceways, Inc., served as president and chair of the Board of Directors for Central Maine Medical Center and as president of the Beth Jacob Synagogue. He also served as President of the Florida Standardbred Breeders and Owners Association and as national treasurer of Harness Horse International and of the National Association for Owners and Horsemen and Women. He was inducted into the New England Harness Writers Hall of Fame in 1987, after owning 6 world champions and many other great racing horses. Mr. Day will be greatly missed by his loving family and many friends;

SLS 286

Sponsored by Senator ROTUNDO of Androscoggin.

Cosponsored by Senator: DOUGLASS of Androscoggin, Representatives: MAILHOT of Lewiston, WALCOTT of Lewiston, CRAVEN of Lewiston, O'BRIEN of Lewiston, MAKAS of Lewiston.

READ.

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

Senator **ROTUNDO**: Thank you, Madame President, men and women of the Senate. Charlie Day's life was a great gift to Maine and to the Lewiston/Auburn community. He was a brilliant businessman and we all benefited from the economic development that he brought to this state as well as to the service that he gave to our community. Charlie was devoted to his family and his family was devoted to him. We will miss him very much.

ADOPTED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Jim Day, who is the son of Mr. Charles Day. Would he please rise and accept the greetings of the Maine Senate.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents
(EMERGENCY)

S.P. 193 L.D. 553
(C "A" S-182)

In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182) AS AMENDED BY HOUSE AMENDMENT "A" (H-553) thereto AND HOUSE AMENDMENT "A" (H-590), in NON-CONCURRENCE.**

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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 Transfer Speech Pathologist Licensure Functions to the Department of Education"
S.P. 330 L.D. 989
(H "A" H-552 to C "A" S-185)

In Senate, June 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AS AMENDED BY HOUSE AMENDMENT "A" (H-552) thereto, in concurrence.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185) AS AMENDED BY HOUSE AMENDMENTS "A" (H-552) AND "B" (H-591) thereto, in NON-CONCURRENCE.**

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

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

ENACTORS

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

Emergency Resolve

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

S.P. 446 L.D. 1358
(S "B" S-271 to H "A" H-97)

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 **FINALLY PASSED** 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

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY)

H.P. 797 L.D. 1079
(S "A" S-280 to C "A" H-326)

In Senate, June 12, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) AS AMENDED BY SENATE AMENDMENT "A" (S-280)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326) AS AMENDED BY HOUSE AMENDMENT "A" (H-592) AND SENATE AMENDMENT "A" (S-280)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

H.P. 1188 L.D. 1612
(C "A" H-568)

Comes from the House, Resolution and accompanying papers **COMMITTED** to the Joint Select Committee on **HEALTH CARE REFORM**.

On motion by Senator **BRENNAN** of Cumberland, Resolution and accompanying papers **COMMITTED** to the Joint Select Committee on **HEALTH CARE REFORM**, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property

H.P. 167 L.D. 208

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

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
SUSLOVIC of Portland
McCORMICK of West Gardiner
SIMPSON of Auburn
PERRY of Bangor
CLOUGH of Scarborough
TARDY of Newport
LERMAN of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-581)**.

Signed:

Representative:
COURTNEY of Sanford

Comes from the House with the Reports **READ** and the RESOLUTION and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Reports **READ**.

Senate at Ease.

Senate called to order by the President.

On further motion by same Senator, RESOLUTION and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness"
H.P. 1209 L.D. 1629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-587)**.

Signed:

Senators:
STANLEY of Penobscot
STRIMLING of Cumberland

Representatives:
LEMOINE of Old Orchard Beach
SUSLOVIC of Portland
SIMPSON of Auburn
PERRY of Bangor
LERMAN of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-588)**.

Signed:

Senator:
NASS of York

Representatives:
TARDY of Newport
McCORMICK of West Gardiner
CLOUGH of Scarborough
COURTNEY of Sanford

Comes from the House with the Reports **READ** and the RESOLUTION and accompanying papers **COMMITTED** to the Committee on **TAXATION**

Reports **READ**.

On motion by Senator **STANLEY** of Penobscot, RESOLUTION and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **WESTON** of Waldo (Under suspension of the rules, cosponsored by Senators: **BENNETT** of Oxford, **BLAIS** of Kennebec, **BRENNAN** of Cumberland, **BROMLEY** of Cumberland, **BRYANT** of Oxford, **CARPENTER** of York, **CATHCART** of Penobscot, President **DAGGETT** of Kennebec, **DAMON** of Hancock, **DAVIS** of Piscataquis, **DOUGLASS** of Androscoggin, **EDMONDS** of Cumberland, **GAGNON** of Kennebec, **GILMAN** of Cumberland, **HALL** of Lincoln, **HATCH** of Somerset, **KNEELAND** of Aroostook, **LaFOUNTAIN** of York, **LEMONT** of York, **MARTIN** of Aroostook, **MAYO** of Sagadahoc, **MITCHELL** of Penobscot, **NASS** of York, **PENDLETON** of Cumberland, **ROTUNDO** of Androscoggin, **SAVAGE** of Knox, **SAWYER** of Penobscot, **SHOREY** of Washington, **STANLEY** of Penobscot, **STRIMLING** of Cumberland, **TREAT** of Kennebec, **TURNER** of Cumberland, **WOODCOCK** of Franklin, **YOUNGBLOOD** of Penobscot, Representatives: **ADAMS** of Portland, **ANDREWS** of York, **ANNIS** of Dover-Foxcroft, **ASH** of Belfast, **AUSTIN** of Gray, **BARSTOW** of Gorham, **BENNETT** of Caribou, **BERRY** of Belmont, **BERUBE** of Lisbon, **BIERMAN** of Sorrento, **BLANCHETTE** of Bangor, **BLISS** of South Portland, **BOWEN** of Rockport, **BOWLES** of Sanford, **BRANNIGAN** of Portland, **BREAULT** of Buxton, **BROWN** of South Berwick, **BROWNE** of Vassalboro, **BRUNO** of Raymond, **BRYANT-DESCHENES** of Turner, **BULL** of Freeport, **BUNKER** of Kossuth Township, **CAMPBELL** of Newfield, **CANAVAN** of Waterville, **CARR** of Lincoln, **CHURCHILL** of Orland, **CHURCHILL** of Washburn, **CLARK** of Millinocket, **CLOUGH** of Scarborough, **COLLINS** of Wells, Speaker **COLWELL** of Gardiner, **COURTNEY** of Sanford, **COWGER** of Hallowell, **CRAVEN** of Lewiston, **CRESSEY** of Baldwin, **CROSTHWAITE** of Ellsworth, **CUMMINGS** of Portland, **CURLEY** of Scarborough, **DAIGLE** of Arundel, **DAVIS** of Falmouth, **DUDLEY** of Portland, **DUGAY** of Cherryfield, **DUNLAP** of Old Town, **DUPLESSIE** of Westbrook, **DUPREY** of Hampden, **DUPREY** of Medway, **EARLE** of Damariscotta, **EDER** of Portland, **FAIRCLOTH** of Bangor, **FINCH** of Fairfield, **FISCHER** of Presque Isle, **FLETCHER** of Winslow, **GAGNE-FRIEL** of Buckfield, **GERZOFKY** of Brunswick, **GLYNN** of South Portland, **GOODWIN** of Pembroke, **GREELEY** of Levant, **GROSE** of Woolwich, **HATCH** of Skowhegan, **HEIDRICH** of Oxford, **HONEY** of Boothbay, **HOTHAM** of Dixfield, **HUTTON** of Bowdoinham, **JACKSON** of Fort Kent, **JACOBSEN** of Waterboro, **JENNINGS** of Leeds, **JODREY** of Bethel, **JOY** of Crystal, **KAELIN** of Winterport, **KANE** of Saco, **KETTERER** of Madison, **KOFFMAN** of Bar Harbor, **LANDRY** of Sanford, **LAVERRIERE-BOUCHER** of Biddeford, **LEDWIN** of Holden, **LEMOINE** of Old Orchard Beach, **LERMAN** of Augusta, **LESSARD** of Topsham, **LEWIN** of Eliot, **LORING** of the Penobscot Nation, **LUNDEEN** of Mars Hill, **MAIETTA** of South Portland, **MAILHOT** of Lewiston, **MAKAS** of Lewiston, **MARLEY** of Portland, **MARRACHÉ** of Waterville, **McCORMICK** of West Gardiner, **McGLOCKLIN** of Embden, **McGOWAN** of Pittsfield, **McKEE** of Wayne, **McKENNEY** of Cumberland, **McLAUGHLIN** of Cape Elizabeth, **McNEIL** of Rockland, **MILLETT** of Waterford, **MILLS** of Farmington, **MILLS** of Cornville, **MOODY** of Manchester, **MOORE** of the Passamaquoddy Tribe, **MOORE** of Standish, **MURPHY** of Kennebunk, **MUSE** of Fryeburg, **NORBERT** of Portland, **NORTON** of Bangor, **NUTTING** of Oakland, **O'BRIEN** of Augusta, **O'BRIEN** of Lewiston, **O'NEIL** of Saco, **PARADIS** of Frenchville, **PATRICK** of Rumford, **PEAVEY-HASKELL** of Greenbush, **PELLON** of Machias, **PERCY** of Phippsburg, **PERRY** of Calais, **PERRY** of Bangor, **PINEAU** of Jay, **PINGREE** of North Haven, **PIOTTI** of Unity, **RECTOR** of Thomaston, **RICHARDSON** of Greenville, **RICHARDSON** of Brunswick, **RICHARDSON** of Skowhegan, **RINES** of Wiscasset, **ROGERS** of Brewer, **ROSEN** of Bucksport, **SAMPSON** of Auburn, **SAVIELLO** of Wilton, **SHERMAN** of Hodgdon, **SHIELDS** of Auburn, **SIMPSON** of Auburn, **SMITH** of Monmouth, **SMITH** of Van Buren, **SNOWE-MELLO** of Poland, **STONE** of Berwick, **SUKEFORTH** of Union, **SULLIVAN** of Biddeford, **SUSLOVIC** of Portland, **SYKES** of Harrison, **TARDY** of Newport, **THOMAS** of Orono, **THOMPSON** of China,

TOBIN of Windham, TOBIN of Dexter, TRAHAN of Waldoboro, TREADWELL of Carmel, TWOMEY of Biddeford, USHER of Westbrook, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WHEELER of Kittery, WOODBURY of Yarmouth, WOTTON of Littleton, YOUNG of Limestone), the following Joint Resolution:

S.P. 593

JOINT RESOLUTION ACKNOWLEDGING JUNE 15, 2003 AS FATHER'S DAY

WHEREAS, on Sunday, June 15, 2003, the Nation and the State of Maine will continue the time-honored tradition of celebrating Father's Day; and

WHEREAS, the celebration of Father's Day is a call upon all Americans to thank and honor fathers for their love, nurturance and guidance and for the sacrifices they have made on behalf of their daughters and sons; and

WHEREAS, fathers are an important thread in the social fabric that binds together the citizens of the State of Maine and the United States; and

WHEREAS, psychologically, emotionally and spiritually the continued presence and commitment of fathers and father figures are important for the well-being of children; and

WHEREAS, Maine's private and public sectors have joined to raise public awareness of the importance of fatherhood and the impact of a father's engagement with his children and family; and

WHEREAS, the well-being of our State depends, to a large extent, on fathers' participation in their children's lives; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, take this occasion to urge all citizens to join in this observance on June 15, 2003 to acknowledge, encourage and celebrate the role of fatherhood with gratitude and respect.

READ and ADOPTED.

Sent down for concurrence.

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

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

ENACTORS

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

Emergency Measure

An Act Concerning Illegal Introduction of Fish into Maine Waters

S.P. 592 L.D. 1635

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

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. I rise to speak to this just briefly. For the record, I hope that this would not include all the little boys and girls out there with their fishing nets who are getting the sunfish and putting them in a bucket to carry to their camps and bringing them back down again. I don't believe that was the intention of this bill. I would hope that this would suffice as to make it clear that this was not the intention of this body, to make it illegal for children to catch fish in a net and put them in a bucket. Thank you.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in the negative, and 29 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.

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

ENACTORS

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

Act

An Act Regarding Conformity with the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003

S.P. 589 L.D. 1633
(C "A" S-284)

Senator **BENNETT** of Oxford moved the Senate extend 90 minutes past 9:00 p.m., pursuant to Senate Rule 514.

The Chair ordered a Division. 27 Senators having voted in the affirmative and no Senators having voted in the negative, and 27 being more than two-thirds of the members present and voting, the motion by Senator **BENNETT** of Oxford to extend 90 minutes past 9:00 p.m., **PREVAILED**.

On motion by Senator **NASS** of York, 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 Nass.

Senator **NASS:** Thank you, Madame President, men and women of the Senate. Just a reminder, this bill, although its title is somewhat deceiving, makes it certain that Maine will not conform with the recently passed federal tax reductions. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#175)

YEAS: Senators: BRENNAN, 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

ABSENT: Senators: BROMLEY, YOUNGBLOOD

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, was **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:

ORDERS

Joint Order

On motion by Senator **GAGNON** of Kennebec, the following Joint Order:
S.P. 594

ORDERED, the House concurring, that Bill, "An Act to Authorize the State to Establish a Multijurisdictional Lottery or Lottery Games," S.P. 515, L.D. 1536, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ.

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 (#176)

YEAS: Senators: BRENNAN, BRYANT, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, PENDLETON, ROTUNDO, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, KNEELAND, LEMONT, NASS, SAVAGE, WESTON

ABSENT: Senators: BROMLEY, YOUNGBLOOD

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being absent, on motion by Senator **GAGNON** of Kennebec, the Joint Order was **PASSED**.

Sent down for concurrence.

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

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

ENACTORS

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

Resolves

Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health

H.P. 363 L.D. 471
(H "B" H-585 to C "A" H-464)

Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents

S.P. 193 L.D. 553
(H "A" H-553 to C "A" S-182; H
"A" H-590)

Resolve, To Establish a Task Force Concerning Speech-language Pathologists

S.P. 330 L.D. 989
(H "A" H-552; H "B" H-591 to C
"A" S-185)

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

H.P. 797 L.D. 1079
(S "A" S-280; H "A" H-592 to C
"A" H-326)

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

ORDERS OF THE DAY

The Chair removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters

H.P. 943 L.D. 1271
(C "A" H-207)

Tabled - May 9, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207)**, in concurrence.)

(In House, May 8, 2003, **FINALLY PASSED**.)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Repeal the Presidential Preference Primary Elections Process

H.P. 109 L.D. 100

(C "A" H-34)

Tabled - April 14, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)**, in concurrence.)

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

On further motion by same Senator, 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-34)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-289) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34) AND SENATE AMENDMENT "A" (S-289), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Provide Energy Opportunities to Northern Maine

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

Tabled - May 6, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48)**.)

(In House, May 5, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-48)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-48).

On further motion by same Senator, Senate Amendment "A" (S-290) to Committee Amendment "A" (S-48) **READ** and **ADOPTED.**

Committee Amendment "A" (S-48) as Amended by Senate Amendment "A" (S-290) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-48) AS AMENDED BY SENATE AMENDMENT "A" (S-290) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants
H.P. 224 L.D. 281
(C "A" H-542)

Tabled - June 4, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 3, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542)**, in concurrence.)

(In House, June 3, 2003, **FINALLY PASSED**.)

On further motion by same Senator, 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-542)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-542), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-292) to Committee Amendment "A" (H-542) **READ** and **ADOPTED**.

Committee Amendment "A" (H-542) as Amended by Senate Amendment "A" (S-292) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-542) AS AMENDED BY SENATE AMENDMENT "A" (S-292) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole
H.P. 254 L.D. 311
(C "A" H-210)

Tabled - May 9, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210)**, in concurrence.)

(In House, May 8, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-210)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, Senate Amendment "A" (S-293) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210) AND SENATE AMENDMENT "A" (S-293), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Provide Funding for the Downeast Institute for Applied Marine Research and Education
H.P. 284 L.D. 364
(C "A" H-33)

Tabled - April 8, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33)**, in concurrence.)

(In House, April 7, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-33)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-33), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-294) to Committee Amendment "A" (H-33) **READ** and **ADOPTED.**

Committee Amendment "A" (H-33) as Amended by Senate Amendment "A" (S-294) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33) AS AMENDED BY SENATE AMENDMENT "A" (S-294) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency

S.P. 208 L.D. 599
(C "A" S-136; H "A" H-400)

Tabled - May 21, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AND HOUSE AMENDMENT "A" (H-400)**, in concurrence.)

(In House, May 20, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-136) AND HOUSE AMENDMENT "A" (H-400)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-400), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-295) to House Amendment "A" (H-400) **READ** and **ADOPTED.**

House Amendment "A" (H-400) as Amended by Senate Amendment "A" (S-295) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AND HOUSE AMENDMENT "A" (H-400) AS AMENDED BY SENATE AMENDMENT "A" (S-295) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses
S.P. 216 L.D. 607
(C "A" S-22)

Tabled - April 16, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 8, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22).**)

(In House, April 16, 2003, **FINALLY PASSED.**)

On further motion by same Senator, 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" (S-22)**, in concurrence.

Senator **BENNETT** of Oxford was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-22), in concurrence.

Senate at Ease.

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "A" (S-296) to Committee Amendment "A" (S-22) **READ and ADOPTED**.

Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-296) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22) AS AMENDED BY SENATE AMENDMENT "A" (S-296) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Implement the Recommendations of the Legislative Youth Advisory Council
H.P. 557 L.D. 751
(C "A" H-295)

Tabled - May 15, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**, in concurrence.)

(In House, May 14, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-295)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-295), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-297) to Committee Amendment "A" (H-295) **READ** and **ADOPTED.**

Committee Amendment "A" (H-295) as Amended by Senate Amendment "A" (S-297) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AS AMENDED BY SENATE AMENDMENT "A" (S-297) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve the State's Returnable Bottle Law and Adjust Handling Fees
S.P. 326 L.D. 985
(S "B" S-250 to C "A" S-217)

Tabled - June 4, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AS AMENDED BY SENATE AMENDMENT "B" (S-250)** thereto.)

(In House, June 4, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-217) AS AMENDED BY SENATE AMENDMENT "B" (S-250)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-217) as Amended by Senate Amendment "B" (S-250) thereto.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "B" (S-250) to Committee Amendment "A" (S-217) and **INDEFINITELY POSTPONED** same, in **NON-CONCURRENCE.**

On further motion by same Senator, Senate Amendment "C" (S-307) to Committee Amendment "A" (S-217) **READ** and **ADOPTED.**

Committee Amendment "A" (S-217) as Amended by Senate Amendment "C" (S-307) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217) AS AMENDED BY SENATE AMENDMENT "C" (S-307) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning Retirement Benefits for State Employees

H.P. 730 L.D. 1009
(H "A" H-517 to C "A" H-441)

Tabled - May 30, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY HOUSE AMENDMENT "A" (H-517)** thereto, in concurrence.)

(In House, May 30, 2003, **PASSED TO BE ENACTED**.)

On further motion by same Senator, 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-441) AS AMENDED BY HOUSE AMENDMENT "A" (H-517)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-441) as Amended by House Amendment "A" (H-517), in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-517) to Committee Amendment "A" (H-441) and **INDEFINITELY POSTPONED** same, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-298) to Committee Amendment "A" (H-441) **READ** and **ADOPTED**.

Committee Amendment "A" (H-441) as Amended by Senate Amendment "A" (S-298) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY SENATE AMENDMENT "A" (S-298) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses

H.P. 1003 L.D. 1368
(C "A" H-276)

Tabled - May 16, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 13, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)**, in concurrence.)

(In House, May 15, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-276)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-276), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-299) to Committee Amendment "A" (H-276) **READ** and **ADOPTED.**

Committee Amendment "A" (H-276) as Amended by Senate Amendment "A" (S-299) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276) AS AMENDED BY SENATE AMENDMENT "A" (S-299) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers

H.P. 1054 L.D. 1435
(C "A" H-452)

Tabled - May 27, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452)**, in concurrence.)

(In House, May 23, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-452)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-452), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-310) to Committee Amendment "A" (H-452) **READ** and **ADOPTED**.

Committee Amendment "A" (H-452) as Amended by Senate Amendment "A" (S-310) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-452) AS AMENDED BY SENATE AMENDMENT "A" (S-310) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56 and to Direct Proceeds from the Sale of the Maine State Prison Property in Thomaston
H.P. 1069 L.D. 1464
(C "A" H-502)

Tabled - May 29, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 27, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502)**, in concurrence.)

(In House, May 28, 2003, **FINALLY PASSED**.)

On further motion by same Senator, 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-502)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-300) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-502) AND SENATE AMENDMENT "A" (S-300), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

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
(C "A" H-224)

Tabled - May 9, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 6, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**, in concurrence.)

(In House, May 8, 2003, **FINALLY PASSED.**)

On further motion by same Senator, 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-224)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-311) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224) AND SENATE AMENDMENT "A" (S-311), in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Access by the Department of Corrections to Federal Funds under Title IV-E of the Federal Social Security Act

S.P. 498 L.D. 1498
(C "A" S-118)

Tabled - May 15, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-118)**.)

(In House, May 14, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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" (S-118)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-118).

On further motion by same Senator, Senate Amendment "A" (S-301) to Committee Amendment "A" (S-118) **READ** and **ADOPTED.**

Committee Amendment "A" (S-118) as Amended by Senate Amendment "A" (S-301) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-118) AS AMENDED BY SENATE AMENDMENT "A" (S-301) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act to Create the Maine National Guard Education Assistance Program

H.P. 1126 L.D. 1533
(C "A" H-455)

Tabled - May 23, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455)**, in concurrence.)

(In House, May 23, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-455)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-455), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-302) to Committee Amendment "A" (H-455) **READ** and **ADOPTED.**

Committee Amendment "A" (H-455) as Amended by Senate Amendment "A" (S-302) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-455) AS AMENDED BY SENATE AMENDMENT "A" (S-302) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Fund Municipal Collection of Household Hazardous Waste

H.P. 1135 L.D. 1549
(H "A" H-526 to C "A" H-494)

Tabled - June 3, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494) AS AMENDED BY HOUSE AMENDMENT "A" (H-526)** thereto, in concurrence.)

(In House, June 3, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, 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-494) AS AMENDED BY HOUSE AMENDMENT "A" (H-526)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-494) as Amended by House Amendment "A" (H-526) thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-526) to Committee Amendment "A" (H-494) and **INDEFINITELY POSTPONED** same, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-303) to Committee Amendment "A" (H-494) **READ** and **ADOPTED**.

Committee Amendment "A" (H-494) as Amended by Senate Amendment "A" (S-303) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494) AS AMENDED BY SENATE AMENDMENT "A" (S-303) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify the Intent of School Budget Referendum Language

H.P. 77 L.D. 69
(C "A" H-115)

Tabled - May 1, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 28, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115)**, in concurrence.)

(In House, April 30, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters

S.P. 46 L.D. 123
(C "A" S-143)

Tabled - May 19, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 13, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-143).**)

(In House, May 16, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland
S.P. 61 L.D. 138
(C "A" S-170)

Tabled - May 22, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 19, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170).**)

(In House, May 22, 2003, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Promote Energy Conservation

S.P. 92 L.D. 233
(C "A" S-145)

Tabled - June 3, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 14, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-145).**)

(In House, June 3, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Require that Disciplinary, Attendance and Health Records be Included in the Records that Follow a Student Who Transfers to Another School

S.P. 96 L.D. 262
(C "A" S-189)

Tabled - May 27, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189)**.)

(In House, May 23, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve Collection of Information about Work-related Injuries and to Enhance Injury Prevention Efforts

S.P. 135 L.D. 398
(S "A" S-239)

Tabled - June 4, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-239)**.)

(In House, June 4, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Expand the Education Tax Credit

H.P. 387 L.D. 502
(C "A" H-286)

Tabled - May 15, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)**, in concurrence.)

(In House, May 14, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Reduce the State Valuation for the Town of Hermon

S.P. 182 L.D. 542
(C "A" S-101)

Tabled - May 12, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 5, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-101)**.)

(In House, May 9, 2003, **FINALLY PASSED**.)

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

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Change the Options for a Lobster Management Zone and to Change Entry Criteria for Noncommerical Licensees

H.P. 520 L.D. 703
(C "A" H-375)

Tabled - May 21, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375)**, in concurrence.)

(In House, May 20, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury

H.P. 701 L.D. 944
(S "A" S-93 to C "A" H-157)

Tabled - May 9, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157) AS AMENDED BY SENATE AMENDMENT "A" (S-93)** thereto.)

(In House, May 8, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Facilitate Communication between Prescribers and Dispensers of Prescription Medication
H.P. 702 L.D. 945
(C "A" H-457)

Tabled - May 27, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457)**, in concurrence.)

(In House, May 23, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Ensure Effective Prosecution of Certain Repeat Offenders
S.P. 317 L.D. 976
(C "A" S-33)

Tabled - April 29, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-33)**.)

(In House, April 28, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Clarify Eligibility in the Maine State Retirement System Life Insurance Program
H.P. 810 L.D. 1107
(C "A" H-363)

Tabled - May 20, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363)**, in concurrence.)

(In House, May 19, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Encourage Responsible Employment Practices

H.P. 880 L.D. 1206
(C "A" H-353)

Tabled - May 29, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 27, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**, in concurrence.)

(In House, May 28, 2003, **PASSED TO BE ENACTED.**)

PASSED TO BE ENACTED and signed by the President.

(See action later today.)

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Protect High and Moderate Value Waterfowl and Wading Bird Habitats

H.P. 908 L.D. 1234
(H "A" H-506; H "B" H-539
to C "A" H-372)

Tabled - June 3, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENTS "A" (H-506) AND "B" (H-539)** thereto, in concurrence.)

(In House, June 3, 2003, **FINALLY PASSED.**)

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

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Adopt an Interstate Compact for Juveniles on Probation and Parole

H.P. 977 L.D. 1323
(C "A" H-209)

Tabled - May 9, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209)**, in concurrence.)

(In House, May 8, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Protect Workers from Secondhand Smoke and to Promote Worker Safety Efforts
S.P. 437 L.D. 1346
(C "A" S-249)

Tabled - June 4, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-249)**.)

(In House, June 3, 2003, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#177)

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

NAYS: Senators: BRYANT, HATCH

ABSENT: Senator: YOUNGBLOOD

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Facilitate E-9-1-1 for Multiline Telephone Systems
H.P. 1056 L.D. 1444
(C "A" H-425)

Tabled - May 22, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)**, in concurrence.)

(In House, May 22, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Improve the Ability of the Public Utilities Commission to Enforce State Laws, Rules and Requirements

H.P. 1088 L.D. 1483
(C "A" H-342)

Tabled - May 20, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 15, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)**, in concurrence.)

(In House, May 19, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland

H.P. 1105 L.D. 1512
(C "A" H-370)

Tabled - May 22, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370)**.)

(In House, May 22, 2003, **FINALLY PASSED.**)

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

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend and Improve the Education Laws

S.P. 538 L.D. 1577

(C "A" S-201)

Tabled - May 27, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-201).**)

(In House, May 27, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Authorize the Deorganization of the Town of Centerville

H.P. 1201 L.D. 1624
(H "A" H-540)

Tabled - June 3, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540).**)

(In House, June 3, 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.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development

S.P. 119 L.D. 337
(C "A" S-66)

Tabled - May 7, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66).**)

(In House, May 6, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to promote Economic Growth by Retaining Engineers in Maine

S.P. 334 L.D. 993
(C "A" S-97)

Tabled - May 13, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-97).**)

(In House, May 12, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, to Renew the Veterans' Emergency Assistance Program

S.P. 350 L.D. 1021
(C "A" S-74)

Tabled - May 7, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74).**)

(In House, May 6, 2003, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **WOODCOCK** of Franklin moved the Senate extend for 90 minutes, pursuant to Senate Rule 514.

The Chair ordered a Division. 29 Senators having voted in the affirmative and no Senators having voted in the negative, and 29 being more than two-thirds of the members present and voting, the motion by Senator **WOODCOCK** of Franklin to extend for 90 minutes, **PREVAILED**.

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Laws Governing the Quality Child Care Tax Credit

H.P. 923 L.D. 1249
(C "A" H-480)

Tabled - May 27, 2003, by Senator **CATHCART** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 22, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**, in concurrence.)

(In House, May 27, 2003, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

H.P. 1205 L.D. 1626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-563)**.

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot
EDMONDS of Cumberland

Representatives:

SAVIELLO of Wilton
TOBIN of Windham
ANNIS of Dover-Foxcroft
JOY of Crystal
DAIGLE of Arundel
THOMPSON of China
HUTTON of Bowdoinham
KOFFMAN of Bar Harbor

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

Signed:

Representatives:

TWOMEY of Biddeford
MAKAS of Lewiston

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-563)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-563) **READ**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-563) **READ** and **ADOPTED**.

Committee Amendment "A" (H-563) as Amended by Senate Amendment "A" (S-312) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-312)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/4/03) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Extend Term Limits"

H.P. 945 L.D. 1273

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-442)** (11 members)

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

Tabled - June 4, 2003, by Senator **GAGNON** of Kennebec

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

(In House, June 2, 2003, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 4, 2003, Reports **READ**.)

Senator **BENNETT** of Oxford moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**.

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

Senator **GAGNON**: Thank you, Madame President, men and women of the Senate. I hope that you will defeat the pending motion so we can go on to pass the bill and then further amend it, based on the agreement that we had reached with a number of people.

On motion by Senator **GAGNON** of Kennebec, 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 Oxford, Senator Bennett.

Senator **BENNETT**: Thank you, Madame President and fellow members of the Senate. It is regrettable that this measure has languished on our table for so long, having been a bill that came out of committee fairly early in the session. Here it is, on purportedly the last night of our session, at 10:39 or 10:44 p.m., depending on which clock you are looking at, and we are debating an issue that goes right to the heart of the power of the public versus that of legislators. I think it is appropriate to pause and reflect a bit about this issue, which seems to be of great importance to legislators and lobbyists, but perhaps not all that important to the people of Maine.

When given the chance to vote on term limits, citizens across this country have voted in favor of term limits 43 out of 51 times in statewide referendums. The debate over term limits has been framed around this question; does the value of rotating people in office prevail over the knowledge and experience incumbents bring to the legislative process? In this state, in 1993, the public overwhelmingly approved the referendum to limit the amount of time state Representatives and Senators serve to four consecutive terms. This measure was passed by a 2 to 1 margin. Ever since, many lawmakers and lobbyists in Augusta have questioned the wisdom of that decision.

Let me suggest why term limits is a proper and useful reform mechanism. In most cases, incumbents who seek reelection win. Term limits may be the only way of breaking this considerable power of incumbency, allowing more people to have a chance to serve in their legislature. Prior to the term limits law in Maine, we had a healthy turnover of 40% of the legislature every two years. Opponents to reform argue that this demonstrated that term limits were unnecessary. The statistic of 40% doesn't tell the whole story. We also should consider those who were leaving office. Many talented legislators, frustrated by an internal power structure controlled by the longest serving members, were leaving after one or two terms. Powerful leadership posts and chairmanships were held year after year by a handful of career legislators, denying equal representation for the people who liked to turnover their legislators in their districts every few years. Now important positions within the legislature change hands every two to four years, ensuring fresh ideas that strengthen, not weaken, the institutional knowledge of the legislature by empowering its rank and file members.

It's a common argument among term limits opponents that the restrictions ensure that good, hard working, popular incumbents get turned out of office along with those less likeable legislators that term limits may target. One office holder, not in this body, who recently left office noted that, while serving eight years in an important statewide elective office, he served with four different Speakers of the House and four different Presidents of the Senate. In truth, however, we cannot measure the number of good, talented, hard working people who never had the opportunity to serve because they are, essentially, locked out by the deep rooted. We have seen several cases, since term limits were passed in 1993, of term limited members actually trying to stage a comeback by running against their replacements. Voters have tended to stay with the new member, even though it is likely that without term limits the old member would still have been in office. Term limits have only become law where people have voted to impose them. In Maine, most of the opposition has come from legislators themselves. People have a right to restrict their choices. With term limits they have done so deliberately and with full understanding of the trade off this entails. In exchange for partially limiting their choices among candidates, they correctly believe they are also limiting the accumulation of political power in the hands of a few. Term limits improve choices and open participation by bringing more people into the political process, and helping restore citizens' faith in their government.

Those who want to change or repeal term limits ought not to do it by legislative fiat in Augusta. Rather, they ought to take their case to the people by petition, and collect the 50,000 signatures necessary for a referendum themselves. When Maine citizens want to change term limits, they have the power to do it. For that reason, this bill and all its accompanying papers, every single last one of them, ought to be indefinitely postponed.

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

Senator **GAGNON**: Thank you, Madame President, men and women of the Senate. It's hard to debate the person on the opposite side when, in fact, he's arguing many of the points that I was

going to make. The people should decide whether or not they want to extend term limits. We're going to give them the opportunity to do that. We hope that this will go out to referendum and the people will have a choice of deciding whether or not they want to extend term limits. Not repeal them, not eliminate them, not suspend them or indefinitely postpone them, but it will be their choice whether or not they want to extend them. It's that simple, to allow the people a choice once again, after ten years.

This yellow sheet is about an amendment I hope to be presenting later. The back of it talks about the Margaret Chase Smith Center's public policy and their interpretation and view of what term limits does and doesn't do. There are enough issues about it. Whether or not you agree with those statements or not; whether we have too many bills being introduced or are losing too much experience; whether lobbyists are getting too much power; of whether the bureaucracy is getting too much power. All those things are controversies associated with term limits. Let's let the people of the State of Maine sort through those controversies and make a decision. Then they will know for sure. I hope that you will defeat the current motion to indefinitely postpone, and allow the people of the State of Maine to be heard on this issue once again. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **BENNETT** of Oxford to Indefinitely Postpone the Bill and accompanying papers. 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 (#178)

YEAS: Senators: **BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MARTIN, MITCHELL, NASS, SAVAGE, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK**

NAYS: Senators: **BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MAYO, PENDLETON, ROTUNDO, SAWYER, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT**

ABSENT: Senator: **YOUNGBLOOD**

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-442) **READ.**

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, Committee Amendment "A" (H-442) **INDEFINITELY POSTPONED.**

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

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "B" (S-314) **READ.**

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **GAGNON** of Kennebec to **ADOPT** Senate Amendment "B" (S-314).

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Saturday, June 14, 2003.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator **HATCH** of Somerset, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Restrict Use of Auto Dealer Plates

H.P. 745 L.D. 1028
(C "A" H-429)

Tabled - May 22, 2003, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**, in concurrence.)

(In House, May 22, 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.

On motion by Senator **HATCH** of Somerset, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Amend the Laws Regarding Storage of Sand and Salt and to Provide Funding for State and Municipal Storage Facilities

H.P. 1036 L.D. 1414
(C "A" H-428)

Tabled - May 22, 2003, by Senator **HATCH** of Somerset

Pending - **ENACTMENT**, in concurrence

(In Senate, May 20, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428)**, in concurrence.)

(In House, May 22, 2003, **PASSED TO BE ENACTED**.) On further motion by same Senator, 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-428)**, in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-315) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-428) AND SENATE AMENDMENT "B" (S-315), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 976 L.D. 1322

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-589)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-589)**.

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

READ ONCE.

Committee Amendment "A" (H-589) **READ** and **ADOPTED**, in concurrence.

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

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

RECALLED FROM GOVERNOR'S DESK

Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"
S.P. 515 L.D. 1536
(C "A" S-147)

(In Senate, June 11, 2003, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from Governor's Desk pursuant to Joint Order (S.P. 594), in concurrence.)

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ENACTORS

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

Act

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda
H.P. 309 L.D. 389
(C "A" H-354)

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **ROTUNDO** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty
H.P. 477 L.D. 647
(S "A" S-286)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

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

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

H.P. 996 L.D. 1354

Had the same under consideration, and asked leave to report:

That the House **Recede** from Passage to be Engrossed as Amended by Committee Amendment "A" (H-546) and **Commit** the Bill and accompanying papers to the Committee on Legal and Veterans Affairs.

That the Senate **RECEDE** and **CONCUR** with the House.

On the Part of the Senate:

Senator MARTIN of Aroostook
Senator BENNETT of Oxford
Senator DOUGLASS of Androscoggin

On the Part of the House:

Representative CLARK of Millinocket
Representative THOMPSON of China
Representative MOORE of Standish

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

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

RECEDED and **CONCURRED**.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 217 L.D. 274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-593)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY HOUSE AMENDMENT "A" (H-596)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-593) **READ**.

House Amendment "A" (H-596) to Committee Amendment "A" (H-593) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-593) as Amended by House Amendment "A" (H-596) 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-593) AS AMENDED BY HOUSE AMENDMENT "A" (H-596)** thereto, in concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Enact the School Finance and Tax Reform Act of 2003"

I.B. 3 L.D. 1372

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

Signed:

Senators:

STANLEY of Penobscot
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
TARDY of Newport
McCORMICK of West Gardiner
SIMPSON of Auburn
PERRY of Bangor
CLOUGH of Scarborough
COURTNEY of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-594)**.

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SUSLOVIC of Portland
LERMAN of Augusta

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **STANLEY** of Penobscot, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/12/03) Assigned matter:
Bill "An Act to Extend the Authority of the Health Care System and Health Security Board"
(EMERGENCY)

H.P. 27 L.D. 20
(C "A" H-113; H "A" H-143)

Tabled - June 12, 2003, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AND HOUSE AMENDMENT "A" (H-143)**, in concurrence

(In Senate, May 7, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AND HOUSE AMENDMENT "A" (H-143)**, in concurrence.)

(In House, May 12, 2003, **PASSED TO BE ENACTED.**)

(In Senate, June 12, 2003, on motion by Senator **GAGNON** of Kennebec, **RULES SUSPENDED, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AND HOUSE AMENDMENT "A" (H-143).**)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-113), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-279) to Committee Amendment "A" (H-113) **READ** and **ADOPTED**.

Committee Amendment "A" (H-113) as Amended by Senate Amendment "A" (S-279) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113) AS AMENDED BY SENATE AMENDMENT "A" (S-279) thereto, AND HOUSE AMENDMENT "A" (H-143), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Emergency Resolve

Resolve, To Prepare Maine's Students for Active Citizenship

H.P. 333 L.D. 425
(C "A" H-239)

Tabled - June 13, 2003, by Senator **GAGNON** of Kennebec

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 22, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239)**, in concurrence.)

(In House, May 27, 2003, **FINALLY PASSED.**)

Senator **GAGNON** of Kennebec moved the Senate **SUSPEND THE RULES**.

Senator **WOODCOCK** of Franklin **OBJECTED** to **SUSPENSION OF THE RULES**.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 18 being less than two-thirds of the Members present and voting, the motion by Senator **GAGNON** of Kennebec to **SUSPEND THE RULES, FAILED**.

This being an Emergency Measure and having received the affirmative vote of 18 Members of the Senate, with 15 Senators having voted in the negative, and 18 being less than two-thirds of the entire elected Membership of the Senate, **FAILED FINAL PASSAGE, in NON-CONCURRENCE**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith 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:

Bill "An Act To Extend Term Limits"

H.P. 945 L.D. 1273

Tabled - June 13, 2003, by Senator **BENNETT** of Oxford

Pending - motion by Senator **GAGNON** of Kennebec to **ADOPT** Senate Amendment "B" (S-314)

(In House, June 2, 2003, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 4, 2003, Reports **READ**.)

(In Senate, June 13, 2003, motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**. On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE. READ ONCE**. Committee Amendment "A" (H-442) **READ** and on motion by Senator **GAGNON** of Kennebec, **INDEFINITELY POSTPONED**. Under suspension of the Rules, **READ A SECOND TIME**. On further motion by same Senator, Senate Amendment "B" (S-314) **READ**.)

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

Senator **BENNETT:** Thank you, Madame President and fellow members of the Senate. I rise to encourage you to vote against the adoption of Senate Amendment "B" (S-314). As I stated earlier when we were debating this matter, I think it is a good general rule to keep legislative fingers off laws that have been passed through the initiative and referendum process. I think this is particularly true when you have a law, like this one, that goes right to the heart of legislative power and the power of the people vis-à-vis their legislators. I think there is an inherent flaw in having the legislature tinker with such bills.

This amendment before us is a classic example of the dangers that one assumes when we start trying to change these sorts of laws. This amendment, I believe, has several flaws. First, I want to point out that the question that would go out to the voters would be 'Do you support revising Maine's term limits law to provide a balance of new and experienced members by extending the limits of legislative service, et cetera?' I don't think that is anywhere near a balanced question itself. If you look at the original bill, and you look at what the question is, whatever side of the issue you

are on, you have to say that the question, as contemplated in the original bill, is 'Do you favor increasing term limits to 12 years per elected officials and constitutional officers?' is a heck of a lot more of a straight forward approach than whether someone supports revising Maine's term limits laws to provide a balance of new and experienced members.

This is the first of several flaws with this amendment. I also have to point out that this amendment, as it is drafted, would selectively apply the non-retroactivity provision. In other words, some people who are currently serving in this legislature, some members of the Senate, will be under the current law of 8 years, and others will be under a new law of 12 years. Mind you I am one who would be term limited at 8 years, and I think that is good for all of us. I look forward to finding other things to do with my Friday evenings and Saturday mornings at 12:36 a.m. than debating various measures. The good presiding officer, Senator Daggett of Kennebec, would be affected by this bill in that she would not be able to run for reelection. The Senator from Kennebec, Senator Treat, would be unable to run for reelection. Others in leadership positions, and indeed the sponsor of this amendment, would still be available to serve in leadership, perhaps for four additional terms. I really think this is a flaw in this amendment. I think it is unfortunate to have all of us put in the position of having to put something forward which, at best, looks suspicious, particularly at this hour of the night on the last day of session. I think amendment is inherently flawed and I encourage you to vote against it.

Senator **BENNETT** of Oxford moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-314).

Same Senator requested a Roll Call.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I hope that you will vote against the current motion to indefinitely postpone. I'm sitting here, once again, in agreement with the good Senator from Oxford, Senator Bennett. I, too, am looking forward to his retirement in future days. I meant that as a joke, Senator.

Somewhere along the way the line has to be drawn, and the original bill did draw the line where this amendment draws it. Whether it is this class, not this class, the next class, or whoever it happens to be, one of the things that was important to the committee was that the purpose of asking the voters, and the issue to lay out to the voters has to do with loss of experience, and the high turn-over rate in leadership. The high turn-over rate in the number of Speakers has been talked about. You remember the previous Chief Executive was quite concerned about that. I believe this one is too. If we made the amendment in such a way that it only affect new people coming in after this, what we are really talking about is deferring the benefit, whether you agree or not it's a benefit. You would be deferring the benefit for about 15 years or so, because the people who are going to be termed out will cycle through. You would have to start a whole new cycle over again. The feeling was that, because of the controversies, issues, debates, editorials, and everything else associated with term limits, this was the best approach. This was a somewhat negotiated approach. First out of the committee, and then it has been negotiated ever since then.

Concerning the fact that it is being done at this hour, I think this would show that this is not something at the forefront of most legislators' minds. That is why we're here at this hour. If it had been, we would have been able to deal with this much more quickly. There were more important issues for us to deal with. We've been dealing with those issues. That is why this is one of the remaining issues that we have to deal with before we can go home tonight. I believe a roll call has been requested. I would agree with that, Madame President, I would encourage folks to vote against the current motion. Thank you.

On 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 PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bennett to Indefinitely Postpone Senate Amendment "B" (S-314). 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 (#179)

YEAS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MITCHELL, NASS, PENDLETON, SAVAGE, SAWYER, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK

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

ABSENT: Senators: CARPENTER, YOUNGBLOOD

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-314), **PREVAILED**.

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 (#180)

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

NAYS: Senators: BENNETT, BLAIS, DAVIS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MITCHELL, NASS, PENDLETON, SAVAGE, SAWYER, SHOREY, STANLEY, TURNER, WESTON, WOODCOCK

ABSENT: Senators: CARPENTER, YOUNGBLOOD

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, **PASSAGE TO BE ENGROSSED**, in **NON-CONCURRENCE**, **FAILED**.

Senator **GILMAN** of Cumberland moved the Senate **RECONSIDER** whereby it **PASSED TO BE ENACTED** the following:

An Act to Encourage Responsible Employment Practices

H.P. 880 L.D. 1206
(C "A" H-353)

(In Senate, May 27, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**, in concurrence.)

(In House, May 28, 2003, **PASSED TO BE ENACTED**.)

(In Senate, June 13, 2003, **PASSED TO BE ENACTED**, in concurrence.)

Senator **MARTIN** of Aroostook requested a Roll Call.

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

Senator **GILMAN**: Thank you, Madame President. I would like you to vote for reconsideration. This bill attempts to force employers that bid for state contracts to provide health insurance. It would punish Maine businesses for something not of their making.

THE PRESIDENT: The Chair would interrupt debate. The pending motion is reconsideration. The debate should be centered around whether it should be reconsidered or not.

Senator **GILMAN**: Thank you, Madame President. I would like to tell this body why we should vote for reconsideration. This bill attempts to force employers that bid for state contracts to provide health insurance. It would punish Maine businesses for something not of their making, unaffordable health care costs. Some employers, those that opt to provide year end bonuses or other such incentives rather than health care benefits, are unduly punished under this bill because they reward their employees differently than others. Maine businesses do not need another impediment like this at this time. First prove that the Chief Executive's health care proposal, passed today in this body, works. I urge you to give business time to adjust to affordable health care. Please vote to reconsider this action.

On motion by Senator **MARTIN** of Aroostook, 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 Senator from Cumberland, Senator Gilman to Reconsider whereby this bill was Pass to be Enacted. 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 (#181)

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

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

ABSENT: Senators: CARPENTER, YOUNGBLOOD

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **GILMAN** of Cumberland to **RECONSIDER ENACTMENT, FAILED**.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Multiple Item Bond Issues"

H.P. 590 L.D. 813

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

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
PINGREE of North Haven
FAIRCLOTH 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-598)**.

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

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

Reports **READ**.

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

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

ENACTORS

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

Emergency Measure

An Act to Repeal the Presidential Preference Primary Elections Process

H.P. 109 L.D. 100

(S "A" S-289; C "A" H-34)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#182)

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

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

ABSENT: Senators: CARPENTER, YOUNGBLOOD

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 13 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

ENACTORS

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

Emergency Measure

An Act To Provide Energy Opportunities to Northern Maine

S.P. 86 L.D. 163
(S "A" S-290 to C "A" S-48)

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.

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

ENACTORS

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

Acts

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

H.P. 284 L.D. 364
(S "A" S-294 to C "A" H-33)

An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency

S.P. 208 L.D. 599
(C "A" S-136; H "A" H-400; S "A" S-295 to H "A" H-400)

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

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Create the Maine National Guard Education Assistance Program

H.P. 1126 L.D. 1533
(S "A" S-302 to C "A" H-455)

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.

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

ENACTORS

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

Acts

An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees

S.P. 326 L.D. 985
(S "C" S-307 to C "A" S-217)

An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers

H.P. 1054 L.D. 1435
(S "A" S-310 to C "A" H-452)

An Act To Fund Municipal Collection of Household Hazardous Waste

H.P. 1135 L.D. 1549
(S "A" S-303 to C "A" H-494)

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

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

ENACTORS

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

Acts

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole
H.P. 254 L.D. 311
(C "A" H-210; S "A" S-293)

An Act Concerning Retirement Benefits for State Employees
H.P. 730 L.D. 1009
(S "A" S-298 to C "A" H-441)

An Act To Improve Access by the Department of Corrections to Federal Funds under Title IV-E of
the Federal Social Security Act
S.P. 498 L.D. 1498
(S "A" S-301 to C "A" S-118)

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

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

ENACTORS

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

Act

An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster
Licenses

H.P. 1003 L.D. 1368
(S "A" S-299 to C "A" H-276)

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

Senate at Ease.

Senate called to order by the President.

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

ORDERS

Joint Resolution

On motion by Senator **MARTIN** of Aroostook (Under suspension of the rules, cosponsored by
Senators: **KNEELAND** of Aroostook, **STANLEY** of Penobscot, Representatives: **BENNETT** of
Caribou, **CHURCHILL** of Washburn, **FISCHER** of Presque Isle, **JACKSON** of Fort Kent, **JOY** of
Crystal, **LUNDEEN** of Mars Hill, **PARADIS** of Frenchville, **SHERMAN** of Hodgdon, **SMITH** of
Van Buren, **WOTTON** of Littleton, **YOUNG** of Limestone), the following Joint Resolution:

S.P. 596

**JOINT RESOLUTION JOINING THE UNIVERSITY OF MAINE
AT FORT KENT
IN THE CELEBRATION OF ITS 125TH ANNIVERSARY**

WHEREAS, the northernmost part of our State, the St. John Valley, formerly part of the
Madawaska Territory, has been home to a people with a strong and rich Acadian and Franco-
American heritage since 1785; and

WHEREAS, the people of this most unique and picturesque part of our State have long since recognized the value of an educated citizenry, and thus the Legislature, recognizing Maine's good fortune in having a strong Acadian tradition within its borders, approved on February 21, 1878, "An Act to Provide for the Training of Teachers in Madawaska Territory"; and

WHEREAS, the Madawaska Training School has, since its founding 125 years ago, evolved into the University of Maine at Fort Kent, a modern liberal arts-based university offering innovative and high-quality programs that prepare its students for life in the 21st century; and

WHEREAS, during the 125 years since its founding and under the names of Madawaska Training School, Fort Kent Normal School, Fort Kent State Teachers College, Fort Kent State College of the University of Maine and finally the University of Maine at Fort Kent, this institution has continued to grow and to flourish; and

WHEREAS, the University of Maine at Fort Kent has always been, and remains today, a vital resource for improving the educational, economic, social and cultural development of northern Maine, the entire State and beyond; and

WHEREAS, the university serves hundreds of students of this State with a broad array of undergraduate degrees with programs in liberal arts, natural and behavioral sciences, education, nursing, forestry, business, human services, environmental studies, e-commerce and rural public safety administration; and

WHEREAS, the thousands of men and women educated by this university in the St. John Valley have located throughout the State, country and world contributing to a better society; and

WHEREAS, this institution is an integral part of the friendly community of Fort Kent and the entire St. John Valley region and the campus location across the river from New Brunswick, Canada provides exceptional opportunities for international educational experiences and unsurpassed outdoor activities, including alpine and world-class Nordic and biathlon skiing, hiking, camping, canoeing and fishing; and

WHEREAS, the University of Maine at Fort Kent is located at the center of Acadian history and culture in rural northern Maine and honors the traditions of the region by serving as the home to this State's Acadian Archives, which endeavors to preserve and interpret the culture of the area so rich in traditions and history; and

WHEREAS, the northernmost campus in the University of Maine System is widely recognized as a model of efficiency and as a "shining star" within the State's system of public higher education; and

WHEREAS, the campus community and entire St. John Valley region will commemorate and celebrate the occasion of their 125th anniversary in the 2003-2004 academic year; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, recognize the irreplaceable benefit that the University of Maine at Fort Kent, together with all of those men and women who have served it, has conferred upon our Acadian tradition and upon our State and express our encouragement and best wishes that the university may continue far into the future the success that it has had during the past 125 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Dr. Joseph W. Westphal, Chancellor of the University of Maine System and Dr. Richard W. Cost, President of the University of Maine at Fort Kent.

READ and ADOPTED.

Sent down for concurrence.

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

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

ENACTORS

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

Resolve

Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants

H.P. 224 L.D. 281

(S "A" S-292 to C "A" H-542)

FINALLY PASSED 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:

ENACTORS

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

Resolves

Resolve, To Study the Effects of NAFTA and Other Cross-border Issues on Maine Businesses

S.P. 216 L.D. 607

(S "A" S-296 to C "A" S-22)

Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56

H.P. 1069 L.D. 1464

(C "A" H-502; S "A" S-300)

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 and To Enter into Lease-purchase Agreements for School Bus Acquisition

H.P. 1070 L.D. 1465

(C "A" H-224; S "A" S-311)

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

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

ENACTORS

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

Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine

H.P. 217 L.D. 274

(H "A" H-596 to C "A" H-593)

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 Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

H.P. 976 L.D. 1322
(C "A" H-589)

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.

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

ENACTORS

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

Act

An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities

H.P. 1036 L.D. 1414
(C "A" H-428; S "B" S-315)

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:

ENACTORS

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

Resolve

Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

H.P. 1205 L.D. 1626
(S "A" S-312 to C "A" H-563)

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

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

Non-Concurrent Matter

Resolve, To Prepare Maine's Students for Active Citizenship (EMERGENCY)
H.P. 333 L.D. 425
(C "A" H-239)

In Senate, June 13, 2003, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239) AS AMENDED BY HOUSE AMENDMENT "A" (H-599)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **GAGNON** of Kennebec, 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.

Off Record Remarks

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 Repeal the Presidential Preference Primary Elections Process" (EMERGENCY)
H.P. 109 L.D. 100
(C "A" H-34; S "A" S-289)

In Senate, June 13, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34) AND SENATE AMENDMENT "A" (S-289)**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34); HOUSE AMENDMENT "A" (H-600) AND SENATE AMENDMENT "A" (S-289)**, in **NON-CONCURRENCE**.

Senator **STRIMLING** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

Senator **BENNETT:** Thank you, Madame President. The matter before us would repeal the provisions of law that allow for Presidential Preference Primary Elections in Maine. The current law is such, as I understand it, that it allows the parties to determine whether they want to have a Presidential Preference Primary Election or not. If we pass this bill, it is my understanding that we would be eliminating that prerogative and that possibility. While some would like to go back to the traditional or old method of using party caucuses to choose the delegates to our state convention, and to then choose the delegates to the national convention, I don't think that this is the ideal way to proceed. I certainly think that the parties ought to be given, and we should preserve, the right to determine whether or not they want to go with primary elections or with caucuses. Recently, we had a debate in this chamber about another matter, L.D. 389, in which I heard a lot of people talking

about the dangers of denying people direct democracy. If we, in fact, pass this measure, we will be doing nothing but that. I strongly encourage you to vote against recede and concur.

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 PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Recede and Concur. 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 (#183)

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

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

ABSENT: Senators: CARPENTER, DOUGLASS, LEMONT, YOUNGBLOOD
18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **STRIMLING** of Cumberland to **RECEDE** and **CONCUR, PREVAILED.**

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

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

ENACTORS

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

Emergency Measure

An Act To Implement the Recommendations of the Legislative Youth Advisory Council
H.P. 557 L.D. 751
(S "A" S-297 to C "A" H-295)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

ORDERS OF THE DAY

On motion by Senator **CATHCART** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Resolve

Resolve, Allowing Christy Reposa to Sue the State

H.P. 536 L.D. 730
(H "A" H-383 to C"A"H-356)

Tabled - May 28, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 23, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356) AS AMENDED BY HOUSE AMENDMENT "A" (H-383)** thereto, in concurrence.)

(In House, May 27, 2003, **FINALLY PASSED.**)

FINALLY PASSED 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

Joint Order

The following Joint Order:

H.P. 1212

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 121st Legislature.

Agriculture, Conservation and Forestry

S.P. 120, L.D. 338 - An Act to Stabilize the Maine Dairy Industry.

H.P. 544, L.D. 738 - An Act To Save Maine Dairy Farms.

H.P. 1110, L.D. 1518 - An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period.

Appropriations and Financial Affairs

H.P. 10, L.D. 3 - An Act to Amend the Membership of the Revenue Forecasting Committee.

H.P. 55, L.D. 47 - Resolve, to Fund Scholarships to the Seeds of Peace Camp.

S.P. 87, L.D. 164 - An Act To Authorize a General Fund Bond Issue in the Amount of \$30,000,000 To Fund Healthy Schools Through the School Revolving Renovation Fund.

H.P. 126, L.D. 167 - An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award.

H.P. 149, L.D. 190 - An Act to Expand Funding and Services to Students of Limited Proficiency in English.

H.P. 153, L.D. 194 - An Act to Increase the Adult Education State Subsidy by a Specific Percentage.

H.P. 187, L.D. 228 - An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Provide Maine's 7 Technical Colleges with Essential Facilities Improvements and Classroom Equipment.

H.P. 222, L.D. 279 - An Act To Support the Regional Library System.

S.P. 118, L.D. 336 - An Act to Fund the Endowment Incentive Fund.

S.P. 119, L.D. 337 - An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development.

H.P. 276, L.D. 356 - An Act To Build a Prison in Washington County.

H.P. 314, L.D. 394 - An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy.

S.P. 204, L.D. 595 - An Act To Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine.

H.P. 464, L.D. 634 - An Act To Provide Funding for the Maine-Canada Trade Ombudsman.

S.P. 241, L.D. 677 - An Act To Authorize a General Fund Bond Issue in the Amount of \$6,000,000 To Enable LifeFlight of Maine to Fully Implement a Statewide, Dedicated Air-medical Response System.

S.P. 254, L.D. 716 - An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes.

S.P. 270, L.D. 791 - An Act To Fully Fund Retirement Benefits for Game Wardens and Marine Patrol Officers.

S.P. 304, L.D. 908 - An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Provide Funds to Riverfront Municipalities To Develop Riverfront Cultural Heritage Centers.

S.P. 334, L.D. 993 - An Act To Promote Economic Growth by Retaining Engineers in Maine.

S.P. 350, L.D. 1021 - Resolve, To Renew the Veterans' Emergency Assistance Program.

S.P. 361, L.D. 1089 - An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Energy Conservation in State Buildings and Facilities.

S.P. 373, L.D. 1149 - An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor.

H.P. 923, L.D. 1249 - An Act To Amend the Laws Governing the Quality Child Care Tax Credit.

S.P. 423, L.D. 1292 - An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Capital Projects and Major Maintenance at State and Municipal Parks and Historic Sites, for Acquiring Land for Coastal and Inland Waterway Access and for Capitalizing a Revolving Loan Fund for Land Trusts and Municipalities To Acquire Land and Conservation Easements for Public Access.

S.P. 528, L.D. 1569 - An Act To Authorize a General Fund Bond Issue in the Amount of \$16,800,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites and To Make Drinking Water System Improvements.

S.P. 531, L.D. 1572 - An Act To Authorize Department of Transportation Bond Issues in the Amount of \$75,000,000 for Improvements to Highways; Bridges; Airports; State-owned Ferry Vessels; Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors; Improvements to Railroad Structures and Intermodal Facilities; Investment in Public Transportation Fleet and Public Park and Ride and Service Facilities; and Statewide Trail and Pedestrian Improvements.

S.P. 546, L.D. 1591 - An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System.

Business, Research and Economic Development

S.P. 97, L.D. 263 - An Act to Define a Scope of Practice for Acupuncture.

H.P. 311, L.D. 391 - An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information.

H.P. 509, L.D. 692 - An Act To Protect Consumer Privacy Rights.

S.P. 356, L.D. 1025 - An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State.

S.P. 376, L.D. 1152 - An Act To Authorize Collaborative Practice for Emergency Contraception.

H.P. 931, L.D. 1257 - An Act To Increase Returnable Beverage Container Redemption Rates.

S.P. 427, L.D. 1325 - An Act To Encourage and Support Maine Owner-operated Small Businesses.

S.P. 468, L.D. 1410 - An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers.

H.P. 1137, L.D. 1551 - An Act To License Home Building and Improvement Contractors.

Criminal Justice and Public Safety

H.P. 38, L.D. 31 - An Act to Establish a Seamless Strategic Drug Abuse Model for Addressing Criminal Enforcement, Treatment, Education and Public Advocacy within Washington County.

H.P. 114, L.D. 105 - An Act to Further the Productive Use of Land Held by the Department of Corrections.

S.P. 226, L.D. 617 - An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register.

S.P. 286, L.D. 891 - An Act To Require the Videotaping of Police Interrogations.

H.P. 674, L.D. 917 - An Act Regarding the Sale of Weapons at Gun Shows.

S.P. 390, L.D. 1186 - An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails.

Education and Cultural Affairs

H.P. 113, L.D. 104 - An Act to Help Public Schools Promote Public Health and Address Childhood Obesity.

S.P. 72, L.D. 149 - An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education.

H.P. 136, L.D. 177 - An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel.

H.P. 154, L.D. 195 - An Act To Facilitate Summer Employment for Youths.

S.P. 89, L.D. 230 - An Act Concerning Restructuring of School Districts.

H.P. 800, L.D. 1082 - An Act Regarding Habitual Truants.

H.P. 990, L.D. 1344 - An Act To Give Teachers a Greater Voice in School Improvement.

H.P. 1000, L.D. 1365 - An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965.

Health Care Reform (Joint Select Committee)

H.P. 1188, L.D. 1612 - RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine.

Health and Human Services

H.P. 67, L.D. 59 - An Act to Adjust MaineCare Reimbursement Rates.

H.P. 81, L.D. 73 - An Act to Make the Children's Ombudsman Program an Independent Office.

S.P. 79, L.D. 156 - An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions.

S.P. 82, L.D. 159 - An Act To Refine the Criteria for Issuing a Certificate of Need.

H.P. 134, L.D. 175 - An Act to Ensure Parity Among Mental Health Professionals Under Medicaid.

S.P. 175, L.D. 535 - An Act To Strengthen Health Data Information and Health Planning.

H.P. 447, L.D. 584 - An Act To Strengthen the Maine Certificate of Need Act of 2002.

H.P. 448, L.D. 585 - An Act to Establish a Statewide Primary and Preventive Health Care Program.

S.P. 220, L.D. 611 - An Act To Obtain Substance Abuse Services for Minors.

S.P. 225, L.D. 616 - An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses.

S.P. 251, L.D. 713 - An Act to Support Health Care Safety Net Programs.

H.P. 784, L.D. 1066 - An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991.

S.P. 362, L.D. 1090 - Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine.

H.P. 830, L.D. 1127 - An Act To Require Fire-safe Cigarettes in the State.

S.P. 422, L.D. 1291 - An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism.

H.P. 987, L.D. 1341 - Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies.

H.P. 1145, L.D. 1563 - An Act Regarding Standard Contracts for Assisted Living Services.

S.P. 572, L.D. 1621 - An Act To Amend the Structure of the Office of Advocacy.

S.P. 587, L.D. 1631 - An Act To Prevent the Sale of Water Laced with Nicotine in Maine.

Inland Fisheries and Wildlife

S.P. 81, L.D. 158 - An Act to Limit Agent Fees to the Number of Transactions.

H.P. 132, L.D. 173 - An Act To Provide for the Passage of Anadromous Fish Species into the Little River.

H.P. 308, L.D. 388 - An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory.

H.P. 316, L.D. 408 - An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition.

H.P. 338, L.D. 446 - An Act Regarding Bear Hunting.

H.P. 604, L.D. 827 - An Act Regarding Wildlife Habitat Conservation.

H.P. 631, L.D. 854 - An Act To Amend the Laws Governing the Operation of All-terrain Vehicles.

Insurance and Financial Services

H.P. 172, L.D. 213 - An Act To Assist Maine's Infertile Citizens.

S.P. 146, L.D. 428 - An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care.

S.P. 169, L.D. 497 - Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services.

S.P. 231, L.D. 667 - An Act To Amend the Maine Insurance Code.

S.P. 359, L.D. 1087 - An Act To Require All Health Insurers To Cover the Costs of Hearing Aids.

S.P. 385, L.D. 1181 - An Act To Provide Fair Hearings in Health Insurance Rate Proceedings.

S.P. 394, L.D. 1190 - An Act To Create the Comprehensive Health Insurance Risk Pool Association.

H.P. 913, L.D. 1239 - An Act Concerning Universal Health Insurance.

H.P. 995, L.D. 1353 - An Act To Ensure Women's Health Care Coverage for All Maine Women.

S.P. 554, L.D. 1601 - An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan.

Judiciary

S.P. 266, L.D. 787 - An Act To Limit the Damages Recoverable in Accidents Involving Snowmobile Clubs' Trail-grooming Activities.

H.P. 678, L.D. 921 - An Act To Enact the Uniform Trust Code.

S.P. 343, L.D. 999 - An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties.

H.P. 756, L.D. 1039 - An Act Concerning Passamaquoddy Indian Territory in Washington County.

S.P. 426, L.D. 1295 - An Act To Enact the Uniform Mediation Act.

H.P. 1078, L.D. 1473 - An Act To Amend the Laws Governing Public Easements.

H.P. 1116, L.D. 1525 - An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation.

H.P. 1152, L.D. 1579 - An Act To Promote the Financial Security of Maine's Families and Children.

Labor

H.P. 79, L.D. 71 - An Act to Ban Strikebreakers.

S.P. 190, L.D. 550 - An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators.

H.P. 424, L.D. 561 - An Act To Improve Standards for Public Assistance to Employers in the State.

H.P. 438, L.D. 575 - An Act To Encourage Workers' Compensation Dispute Resolutions.

S.P. 237, L.D. 673 - An Act To Increase Maine's Minimum Wage.

H.P. 524, L.D. 718 - An Act To Create a New Pension System for Newly Hired Teachers and State Employees.

H.P. 567, L.D. 752 - Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.

H.P. 657, L.D. 880 - An Act To Eliminate the Social Security Offset for Unemployment Benefits.

H.P. 676, L.D. 919 - An Act To Require Public Improvement Projects Contractors and Subcontractors To Meet Certain Criteria.

S.P. 374, L.D. 1150 - An Act To Protect the Rights of State Workers.

H.P. 972, L.D. 1318 - An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers.

H.P. 1015, L.D. 1380 - An Act To Promote Safety and Fair Labor Practices for Forestry Workers.

H.P. 1197, L.D. 1618 - An Act To Clarify the Employment Status of Court Reporters, Stenographers and Videographers.

Legal and Veterans Affairs

H.P. 171, L.D. 212 - An Act to Establish Instant Run-off Voting.

H.P. 392, L.D. 507 - Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract.

H.P. 441, L.D. 578 - An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife.

H.P. 470, L.D. 640 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months.

H.P. 472, L.D. 642 - An Act To Ensure the Economic Viability of the Harness Racing Industry.

H.P. 486, L.D. 656 - An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses.

H.P. 744, L.D. 1027 - Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices.

H.P. 916, L.D. 1242 - An Act To Recognize the Regional Impact of Casino-style Gambling Facilities.

H.P. 984, L.D. 1339 - An Act To Amend the Laws Governing Campaign Finance.

H.P. 996, L.D. 1354 - An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations.

S.P. 515, L.D. 1536 - An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games.

H.P. 1177, L.D. 1603 - Resolve, Authorizing Michaela Corbin-Bumford To Sue the State.

S.P. 567, L.D. 1613 - Resolve, Authorizing Germaine Bell To Sue the State.

Marine Resources

H.P. 219, L.D. 276 - An Act to Allow the Sale of Lobster and Crab Fishing Licenses.

H.P. 696, L.D. 939 - An Act To Repeal the Fee on Aquacultural Salmon Production.

S.P. 410, L.D. 1279 - Resolve, Related to Aquaculture Leases in Blue Hill Bay.

Natural Resources

S.P. 378, L.D. 1158 - An Act To Protect Maine's Coastal Water.

H.P. 927, L.D. 1253 - An Act to Ensure Playground Safety.

H.P. 1195, L.D. 1617 - An Act To Improve Subdivision Standards.

State and Local Government

H.P. 100, L.D. 91 - Resolve, to Create the Department of Fisheries and Wildlife.

H.P. 112, L.D. 103 - An Act to Establish the Regional County Corrections Construction Authority.

H.P. 327, L.D. 419 - An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates.

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

H.P. 699, L.D. 942 - An Act To Create Guidelines To Promote Good Science in Rulemaking.

H.P. 719, L.D. 962 - An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General.

H.P. 722, L.D. 965 - Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families.

H.P. 884, L.D. 1210 - Resolve, To Establish the Intergovernmental Advisory Commission.

S.P. 434, L.D. 1332 - An Act To Recognize the Maine Rural Development Council.

H.P. 1019, L.D. 1393 - An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act.

H.P. 1097, L.D. 1504 - An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding.

Taxation

H.P. 167, L.D. 208 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property.

H.P. 274, L.D. 345 - An Act To Reinstate a Milk Handling Fee.

H.P. 552, L.D. 746 - An Act To Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes.

H.P. 695, L.D. 938 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership.

H.P. 708, L.D. 951 - An Act To Establish the Maine Land Bank and Community Preservation Program.

S.P. 316, L.D. 975 - An Act To Improve the Business Equipment Tax Reimbursement Program.

H.P. 844, L.D. 1141 - An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform.

H.P. 1020, L.D. 1394 - An Act To Modernize the State's Tax System.

H.P. 1089, L.D. 1492 - An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products.

H.P. 1209, L.D. 1629 - RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness.

Transportation

S.P. 78, L.D. 155 - An Act to Allow a Business to Obtain a Municipal Permit for One Off-premises Business Advertising Sign.

H.P. 350, L.D. 458 - An Act Regarding Motorcycle Noise Emission Control Standards.

S.P. 214, L.D. 605 - An Act To Increase the Bond Limit of the Maine Turnpike Authority.

S.P. 319, L.D. 978 - An Act To Establish a Rotarian License Plate.

H.P. 788, L.D. 1070 - An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction.

Utilities and Energy

H.P. 181, L.D. 222 - An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission.

S.P. 187, L.D. 547 - An Act To Increase Bill Reductions for Electricity Customers in Maine.

H.P. 469, L.D. 639 - An Act To Ensure Accurate Electric Rates for the Ski Industry.

S.P. 235, L.D. 671 - An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State.

S.P. 377, L.D. 1157 - An Act To Promote Clean and Efficient Energy.

H.P. 876, L.D. 1201 - An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino.

S.P. 407, L.D. 1261 - An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment.

S.P. 448, L.D. 1360 - An Act To Create a No-contact List and Prohibit Unsolicited E-mail.

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

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative RICHARDSON of Brunswick, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

ENACTORS

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

Resolve

Resolve, To Prepare Maine's Students for Active Citizenship

H.P. 333 L.D. 425
(H "A" H-599 to C "A" H-239)

On motion by Senator **MITCHELL** of Penobscot, 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 (#184)

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

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

ABSENT: Senators: CARPENTER, LEMONT, YOUNGBLOOD

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, was **FINALLY PASSED** 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:

ENACTORS

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

Act

An Act to Extend the Authority of the Health Care System and Health Security Board

H.P. 27 L.D. 20
(H "A" H-143; S "A" S-279 to C
"A" H-113;)

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

Off Record Remarks

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

ENACTORS

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

Act

An Act to Repeal the Presidential Preference Primary Elections Process

H.P. 109 L.D. 100
(C "A" H-34; H "A" H-600; S "A"
S-289)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#185)

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

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

ABSENT: Senators: CARPENTER, LEMONT, YOUNGBLOOD

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, was **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:

ORDERS

Senate Order

On motion by Senator **TREAT** of Kennebec, the following Senate Order:
S.O. 22

ORDERED, that a message be sent to Governor John E. Baldacci informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day, and invite him to attend and make such communications as pleases him.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **TREAT** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Kennebec, Senator **TREAT** reported that she had delivered the message with which she was charged.

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:
S.O. 23

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business before it and is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **GAGNON** reported that he had delivered the message with which he was charged.

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate.

GOVERNOR BALDACCI: Thank you very much, Madame President. (Bangs gavel) I've been waiting to do that for a long time. Madame President, first thank you for your leadership. I appreciate the leadership here in the state Senate. Having been a former member of this body, I appreciated the service that I had for 12 years here and I know that each and every one of you are going to have memories of your service here that will live with you for the rest of your lives. It's a great body and a great institution.

It has been a challenging time since January 8th, when I took the oath of office. I just want to say that each one of you, with the leadership of Senator Daggett, Senator Treat, Senator Gagnon, Senator Davis, Senator Woodcock, and Senators throughout this body, we have worked together to face the issue that this state faces. As critical as it has been and as difficult as sometimes those issues are, we have always put the interest of the citizens first, regardless of party or region. We have been able to do quite a bit in terms of balancing a budget that was off by \$1.2 billion and holding the line on state taxes; a jobs bond package that I believe, and many of the citizens feel strongly about, will help to grow Maine's economy and provide opportunities in our state; and addressing health care and trying to establish universal quality affordable health care in a truly unique way. We couldn't have done any of that without all of your hard work and efforts. I just want you to know that the citizens of the state appreciate your efforts and how you all pulled together and put their interests first. So congratulations to each and every one of you and I hope you have a good break. You deserve it. Thank you very much.

The Governor withdrew from the Senate Chamber.

THE PRESIDENT: Fellow colleagues in the Senate, it is late or early, depending upon how you call it. I think if we move quickly we can get to the breakfast at the bass fishing contest.

I would be remiss if I did not take a moment to thank each and every one of you for all the hard work that you have done over the past, what seems like many months in some ways, as we have worked hard to accomplish things for the people of the State of Maine. We started out this session somewhat far apart, but I think we've come closer together over the months we've been here, as

we've worked on issues together. I think that we have a number of things that we can be very proud of. I think we've had an opportunity to establish some relationships that will carry us through the rest of this session, and hopefully, will be the basis for working on additional issues over time. As was mentioned earlier, we've passed a budget. In fact, we've passed several budgets that were not always easy. We have, I think, been very fiscally responsible in the work that we've done.

Health care has clearly been one of our focuses. I think we all have reason to be very proud of ourselves, and others who have worked with us, for passing the Dirigo Health Care bill, which is unique among proposals, and laws that have been passed in this nation. We have also expanded access to prescription drugs, and managed to get a Maine Rx Plus program in place. We are anxious to see that the citizens of Maine are healthy and continue to be healthy.

We've expanded unemployment benefits to thousands of Maine workers who rely on part-time jobs and we approved a bond that voters than approved only a few days ago. It is a significant and important investment in Maine's economy.

I'm proud of the Senate for these accomplishments and I am proud of the honor that you have bestowed upon me, to serve as President. I want to thank you for this opportunity. The legislature is also very fortunate to have an incredibly dedicated staff. I would be remiss in not recognizing the members of the staff. Our non-partisan offices and the Revisors Office; the Fiscal Office; OPLA; an Executive Director who helped to keep us focused on what we needed to do and provided the support for us; the Law Library that was there to provide research and answers to questions; and Information Services provided the technology and support that we need. Our own Senate staff has been there through all of these long nights. They remain longer than we are here and they arrive earlier than we get here. So on the days that we feel we've put in a long day, they have put in additional time. We have a staff right here in this chamber, staff in the Secretary's Office, staff in the partisan offices, and in the President's Office. Some of you are in the chamber now, and I would like to give you all a round of applause. I hope the members will join me. I hope those of you who are here will stand and accept our thanks for all your hard work.

The legislature is a demanding place for members and staff. It's a place of incredible intensity as we work on these issues and sometimes emotions do run high, but the work that we do is extraordinarily valuable and important. In closing, I'd like to thank my husband, Tom, and all of your relatives, spouses, children, who have worked at home, taking care of things, while you were here and given you the support that you needed. I want to thank you again for all that you have done and look forward to continuing our accomplishments.

On motion by Senator **SAVAGE** of Knox, the Honorable **BEVERLY C. DAGGETT**, President of the Senate, declared the First Regular Session of the 121st Legislature, **ADJOURNED SINE DIE**, at 4:17 in the morning, in memory of and lasting tribute to Charles E. Day of Lewiston.