

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

In Senate Chamber
Wednesday
June 11, 2003

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

Prayer by Senator Neria R. Douglass of Androscoggin County.

SENATOR DOUGLASS: Good morning. It's my pleasure to offer the prayer this morning. I chose one from the Internet. There are quite a few prayers on the Internet. Isn't that wonderful? This is a Bahai prayer.

Be generous in prosperity and thankful in diversity. Be fair in judgment and guarded in thy speech. Be a lamp unto those who walk in darkness and a home to the stranger. Be eyes to the blind and a guiding light unto the feet of the erring. Be a breath of life to the body of humankind; dew to the soil of the human heart and a fruit upon the tree of humanity. Amen.

Reading of the Journal of Tuesday, June 10, 2003.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/20/03) Assigned matter:

An Act To Eliminate the Social Security Offset for Unemployment Benefits
H.P. 657 L.D. 880
(C "A" H-146)

Tabled - May 20, 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-146)**, in concurrence.)

(In House, May 19, 2003, **PASSED TO BE ENACTED**.)

On motion by Senator **EDMONDS** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/10/03) Assigned matter:

Resolve, Concerning Reauthorization of a 1997 Pollution Control Bond Issue
S.P. 583 L.D. 1628

Tabled - June 10, 2003, by Senator **CATHCART** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 9, 2003, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, June 10, 2003, **FINALLY PASSED**.)

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.

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.

Senator **PENDLETON** of Cumberland requested and received leave of the Senate for members and staff to remove their jackets for the remainder of this Session.

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

SENATE PAPERS

Bill "An Act To Improve the Maine Rx Program"

S.P. 590 L.D. 1634

Sponsored by Senator **TREAT** of Kennebec. (GOVERNOR'S BILL)

Cosponsored by Representative **KANE** of Saco and Senators: **BRENNAN** of Cumberland, **MAYO** of Sagadahoc, **TURNER** of Cumberland, Representatives: **LEMOINE** of Old Orchard Beach, **RICHARDSON** of Brunswick.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I know it is a rule of this body that bills will be able to pass through without having a committee

process intact. It is my understanding that this particular form of the Maine Rx Program, Rx Plus, is different than its original version. Therefore, in my opinion, this might necessitate the committee process. I would suggest that we do need the committee process in order for this bill to have active participation from members of the public who have not seen this new form of the bill.

Same Senator requested a Roll Call.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I agree with the good Senator from Franklin, Senator Woodcock. This bill was reviewed in a more abbreviated process than what normally occurs in the House and the Senate. At the same time, the Health and Human Services Committee did hold a work session and a briefing session with the Department of Human Services and other interested parties on this bill. We had the opportunity to ask different questions, have those questions answered, and to review the bill. I agree that there was not a public hearing, and it didn't go through the normal committee process.

I suggest to you that this bill, and the concept of this bill, has received numerous, if not exhaustive, legislative scrutiny over the last several years. What is being proposed in this bill is not substantially different than what this legislature has already approved in the past. What it does is accommodate those recommendations that we made in the recent Supreme Court ruling in terms of the concerns that were raised when it was brought to court. It simply addresses the issues that were raised by the Supreme Court, and to satisfy those legal requirements.

Even though we may not have pursued all of the committee process, it was reviewed by the committee, and we did have a discussion. My understanding of the bill is that it simply satisfies those issues raised by the U.S. Supreme Court. I would urge you to support the bill. Thank you.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I do appreciate the words of the good Senator from Cumberland, Senator Brennan. If you have seen the jacket on this bill, you will notice that I am a co-sponsor. I am pleased to be a co-sponsor. I have impressions of what this bill is. It was, however, my expectation that it would be subject to a public hearing. I don't think we put ourselves in good stead by choosing to circumvent that process. I think this is regrettable, if it goes forward without that. While my name is on it, I expected, as I always do on things, to have an opportunity to peruse it, and pose questions once I've done that. Thank you.

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

Senator **WESTON:** Thank you, Madame President, men and women of the Senate. We did have a briefing, but I would have to disagree with the good Senator from Cumberland, Senator Turner. I think some of the issues from the courts will not be satisfied. When I questioned the Department about this, their answer was that there are things that will still need to be tested. If that is the case, I think it is our legislative responsibility to understand it as best we can. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President. I have a question for anyone who may wish to answer.

THE PRESIDENT: The Senator may pose her question.

Senator **MITCHELL:** Would someone please address the concern we had with our small businesses, the pharmacies that are located throughout the state. Originally, they were supposed to be absorbing the initial discount. We know this is a hardship, because there is no way for them to recoup these costs. Can anyone explain to me what we are doing to help the small businesses that are going to have to absorb these costs? Has there been an estimate of what the additional cost will be for court costs, and what has already been spent so far?

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

Senator **TREAT**: Thank you, Madame President, men and women of the Senate. Under the revised Maine Rx, pharmacists will be reimbursed for any reduced price that will be charged to the consumer. In addition, they will be paid a processing or handling fee that is identical to that set forth in the MaineCare program. That is to answer question number one.

I believe the other question related to the amount of money spent on court costs. I don't know the total amount, but I do believe this legislation will reduce the costs going forward. As you may recall, the Supreme Court has given us the green light to proceed with this program, and lifted the injunction that has been in place for three years. However, under the way the legal system works, the District Court, which imposed the initial injunction, does have the ability to go forward to trial and test all the various issues as well as look at the information that is provided by both sides. Their task will be lessened, because the Supreme Court did agree on one of the two grounds that were raised, the constitutional ground of violation of the commerce clause. There was unanimous agreement among the members of the Supreme Court that they didn't have a leg to stand on with that particular claim. The other claim was related to federal Medicaid policy. There are provisions in this legislation that should be helpful in that litigation and in clarifying that, in fact, this legislation does assist people in Medicaid and will actually carry out our Medicaid goals.

One of the changes in this legislation is to have an upper limit on who is eligible. This was referred to as the 'Stephen King amendment.' The complaint was that someone with resources of a Stephen King might choose to become involved in this program instead of using their much more effective comprehensive health insurance. It was felt we should address that issue, so we set an upper income limit of 350% of poverty. This is an amount that we see around the country within a number of Medicaid programs, or portions of those programs. I, as a sponsor of the bill, worked with the Governor's Office to include a provision to allow for someone above 350% of poverty to be able to access this program, if they have such large prescription drug costs that 5% of their income is being spent on prescription drugs or 15% on healthcare. This is very similar to the provisions already contained in our Drugs for the Elderly program. I think that these changes to the legislation will actually reduce litigation costs, not expand them.

I did want to mention a couple of things. I know it is infrequently that we do not have a public hearing on a bill, but it certainly does happen. In fact, this week we've had at least one bill that was enacted that way. It really wasn't up to us when the Supreme Court came down with its decision. The Department of Human Services has been working very diligently with the Attorney General's Office, and the Governor, to figure out what is the best way to go forward. We've now been given a green light. This is our opportunity to get this program up and running.

Changes have happened in the last three years. The changes to the bill are not really significant, and the major approaches of the bill are still maintained. I know this opportunity was extended to representatives of both political parties. I have been involved in a number of meetings with DHS where the language of this bill was reviewed, and different options were tested before the bill was put together. I think there has been a great deal of thought and involvement put into this legislation, so it comes to us in a very good form. The committee did meet this afternoon for a couple of hours. Proponents and opponents of the bill did have the opportunity to make presentations to the committee. The committee members did not recommend any amending language to the bill.

I think this is a terribly important piece of legislation that needs to be done as quickly as possible. We're all hoping that we won't be here much longer, hopefully until the end of the week. In my view, I'd really like to be out by Friday. We had 115,000 people covered by the Healthy Maine Program. That, like Maine Rx, has been held up in lawsuits brought by the pharmaceutical industry. This bill, if we enact it, will cover 275,000 people, including the 115,000 who are eligible and participating in the Healthy Maine Program. That includes many people who are elderly, and who presently do not have a prescription drug benefit under Medicare. I think it's important that we move as quickly as we can to make certain that this benefit is restored to folks who had this benefit up until shortly before session started. This is a recent development. We had been going forward with the Healthy Maine Program. This legislation, that we are voting on today, integrates Maine Rx into all these programs. We will really have a seamless prescription drug benefit that will be easy for the consumer to use. With the computer software, it will be easier to sort out who gets the Drugs for the Elderly benefit, who gets the Maine Rx benefit, or who gets some other type of benefit, or if their insurance covers that.

This is really something we need to do as quickly as we can. It's been worked through very carefully. It is important that we follow through on what we committed, I believe unanimously, to do in the Senate three years ago, when we enacted the original Maine Rx.

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

Senator **MARTIN**: Thank you, Madame President and members of the Senate. I'm not sure I know exactly what is going on in the Senate today on this issue. I think we need to go back to the fact that this issue really has been very much advertised. As a matter of fact, it was advertised by the

United States Supreme Court in clear fashion, and it was laid out exactly what we needed to do as a state in order to comply. In fact, we are narrowing the border, so to speak, of those people that will be eligible under this legislation. Under the Maine Rx program, which the legislature adopted with bi-partisan support, all Maine citizens were eligible. Today, we have this legislation that narrows it down to about 300,000. We are doing so by using a total income limit, of 350% of poverty level as a basis. There is a proviso that others could apply if they meet certain conditions, such as spending more than 15% of their total income on medical costs. They could be eligible for the program under these conditions.

What you are seeing coming forth is another attempt by the pharmaceutical industry, represented very effectively here by a couple of lobbyists from the national level, who want to get this submerged so deep that Maine does not become the first state in the country to be part of this program. We did, in fact, discuss this at great length in committee. We talked about whether or not there was a need for a public hearing. No one from the committee made a motion to have a public hearing, whatsoever. We did discuss whether there was a need for one. Finally, there was a decision that there was no need at this point. There was no motion. There was no vote taken by members of the committee. We proceeded at that point to vote on the bill now before us. We could have a public hearing. It isn't going to change a thing. You'll hear the same criers that you heard four years ago, three years ago, two years ago, and a year ago. There will be the same lobbyists, representing the same national firms. There will be the same organization at the national level, which doesn't want to go where Maine is going. That's understandable. I understand that. The question is whether or not we want to provide cheaper drugs for Maine citizens, or whether we want to continue to encourage them to go to Canada. It is really that simple. Keep in mind that this is a discount. For those people who are covered by health insurance and have a drug program, this has no bearing on them whatsoever. We are talking about those who have no program, and those who could then get the drugs at a cheaper price. That is what this means. That is where we are.

We could argue whether or not there is a need for a public hearing. Personally, I do not believe it, because we are, in fact, narrowing where we were. Other than that, it is really that simple. For those of you who believe that we if we had a public hearing things would change, they won't. I can name you the names of the people who will appear opposed, and I suspect you can as well. Nothing has changed and nothing will change except to delay the legislative session.

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

Senator **MAYO:** Thank you, Madame President and members of the Senate. I, too, am a sponsor of this bill, as I was the original Rx bill three years ago. When I signed onto the bill, which I believe was yesterday or the day before, I did ask the question and was told that it would not necessarily follow the normal procedure. Since I have been in this building, this is not the first time that this has happened, and I suspect that it will not be the last time. That is not to say that it is good, bad, or indifferent. With this particular piece of legislation, I looked at L.D. 1634 as an amendment more than a new piece of legislation. Much of it has been with us before, as the good Senator from Aroostook, Senator Martin, said. He must have been reading the notes on my desk, because most of the points that I intended to make, he has already made. I do feel that this is an improvement over what we did three years ago. It has removed from contention one issue that might come back to us through a court case. Regardless of what we do on this particular issue, I don't think we can avoid the court. At this point, I am not concerned about that. I think if it is going to happen, it's going to happen. I think what we have before us this afternoon, Maine Rx Plus, is a good piece of legislation. It was a good piece of legislation three years ago, and it will be a good piece of legislation down the road. It will do for the Maine citizens what they deserve. I urge your support.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. We have the same players today, in a different game. I'm in complete agreement with the good Senator from Aroostook, Senator Martin. I, too, could name most of the players, but with my experience compared to his; I might receive only half of the listing. We all understand who the players are. What they don't understand, what the public doesn't understand, and what we don't understand, is the difference between Maine Rx and Maine Rx Plus. The reason why this is not an amendment is obvious to all of us. Maine Rx isn't before us to be amended. I have the greatest respect for the good Senator from Aroostook, Senator Martin. To hear him say he does not know what is going on here today is a bit frightening to me. I'm sure that he does know. I'm sure that he also knows that my opposition to this bill has nothing to do with the bill. It has to do with the process. I'm also certain that there have been many times in his legislative career when he has also had the same opposition. The good Senator from Cumberland, Senator Brennan, who I have come to respect

greatly in the last few days as a negotiator particularly as it applies to percentages, knows very well that my opposition to this bill is in process, not the program. The people of Maine do need a change in prescription drugs. I recognize that. I have signed resolutions stating that, and will continue to do so. I would say again, today, my opposition lies in the process not the program. Thank you.

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

Senator **MITCHELL:** Thank you, Madame President. In analyzing the answers to the questions I asked previously, together with the input I've had from the briefing, it is my understanding that the initial discount, which is only 13%, will never be reimbursed. It is the second discount that will be reimbursed to the pharmacies.

There was concern that we've put bills through before without hearings. The answer is, it's true. Some are appropriate, but they are not affecting the finances of businesses. They are not affecting a cost shifting or cost fixing that can affect all of us. When we look at some of these discounts, as the good Senator from Franklin, Senator Woodcock, has said, we all want to have prescription drug reductions for the people in the State of Maine. There are some currently available that are not being marketed. Because they are put out by a local pharmaceutical company, we've made a decision not to put them out there. The discount is greater than what we're going to be giving. Free drugs are being given out at free health clinics that are conducted by retired doctors, nurses, and volunteers throughout this state. We are working towards providing reduced drugs to people in Maine. It is very important that we listen to what else is in here for costs. Do we need to spend this money, or does the federal government currently have an action that could be done on a national level that would provide an even greater discount to everyone? Over the years that we've had the Rx program, people in Maine have not received one cent of a benefit, but we have absorbed a lot of expense. We don't know how much more expenses we're going to incur, and our people still have not received the benefit. If we do the math here, it doesn't seem to me that we're actually benefiting the people by following this route. That is why I think a public hearing to gather more information is the best way for us to proceed in providing a reduction for prescription drugs to Maine people at the least cost to the State of Maine that will actually arrive at a higher percentage of discount. That is why I would be opposing this. Not the program. As the good Senator from Franklin, Senator Woodcock, said it is about the process, and us not knowing what is the best way to provide the highest amount of discount to our people.

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

Senator **MARTIN:** Thank you, Madame President. First, I would like to respond to the good Senator from Penobscot, Senator Mitchell. We could get medication at lower costs if drug companies would just stop fighting us. We could implement it very quickly. They could announce tomorrow morning that they had accepted the program, indicate that they are not going to go back to the Federal District Court, appeal it to the Circuit Court in Boston, or go back to the United States Constitutional Supreme Court in Washington. That would be the easiest way. Neither her nor I have any ability to control them. We never will, because they operate and they play to different players; their stockholders and the profit line.

I would, however, pose a question to the good Senator from Franklin, Senator Woodcock, who indicates that he would love to have a public hearing, knowing that I think leadership had made some desire to try to adjourn this weekend. How would we advertise for a public hearing and when would we have it?

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

Senator **WOODCOCK:** Thank you very much, Madame President. I would respond to the good Senator from Aroostook, Senator Martin, by posing a question, if I might?

THE PRESIDENT: The Senator may pose his question.

Senator **WOODCOCK:** When was the court ruling on the Maine Rx finalized?

THE PRESIDENT: The Senator from Franklin, Senator Woodcock poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. The good Senator from Franklin, Senator Woodcock, knows well the answer and so do I. It has nothing to do as to when the Supreme Court announced the decision. It is when the bill came to this body and we had it on a supplement today

for the first time. Neither the good Senator from Franklin, Senator Woodcock, nor I control that process. We have to deal with it, as we now have it before us or simply look like fools and not enact it.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I wish to speak only to clarify a couple of points that I believe have been misunderstood about the bill.

First, this bill will actually cost less than the original Maine Rx by about \$2 million, saving Maine taxpayers that amount of money that we are providing up-front to make certain that pharmacists are, in fact, reimbursed right from the get go. Secondly, the cost is less than it was originally anticipated to be. Third, the discount could be quite significant. The original discount in Maine Rx was a discount of 6% of the average wholesale price. The fee to the pharmacist was added back in. In this case, the price will be the MaineCare price, which also has a pharmacy fee. The amount will be a 15% to 60% discount, which is obviously significantly greater than 6%. It really is a new and improved Maine Rx Plus. You should feel comfortable voting for it. I certainly will be, I hope, momentarily.

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

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

Senator **TURNER:** Thank you, Madame President. I don't know exactly in what sequence I should respond to much of the rhetoric I've heard this afternoon. I am reminded of at least one thing, had we been a tad more cautious three years ago, before I was a member of this body, we might have been able to have our citizens enjoy the benefits of Maine Rx. It is now three years later and we are trying something called Maine Rx Plus. As I pointed out to you earlier, I was glad to sign on as a co-sponsor, with the expectation that there would be some time to at least read the bill and understand it.

There is something else that troubles me here this afternoon. It says this bill is sponsored by Senator Treat of Kennebec, but in parentheses it says 'Governor's Bill'. When I think about our Governor, who is now six months in office, I think we have a man who has bent over backwards and worked very hard with all of us, trying as best he could to craft broad bi-partisan support for key efforts. He's done that. He has continued to do that. I don't think that the action we are taking on this bill, as we are going forward now, is in the spirit that our Chief Executive has demonstrated. I think we demean what we are doing here in this chamber. I also think we demean our Governor. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed, without reference to a Committee. A Roll Call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Hancock, Senator **DAMON**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#155)

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

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

ABSENT: Senators: BENNETT, YOUNGBLOOD

EXCUSED: Senator: DAMON

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, was **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (6/10/03) Assigned matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement School Funding Based on Essential Programs and Services"
S.P. 575 L.D. 1623

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-258)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - June 10, 2003, by Senator **DOUGLASS** of Androscoggin

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

(In Senate, June 10, 2003, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-258) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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 Establish a Moratorium on Genetically Engineered Plants"

H.P. 893 L.D. 1219

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

That they are **UNABLE TO AGREE**.

On the Part of the Senate:

Senator BRYANT of Oxford
Senator KNEELAND of Aroostook

On the Part of the House:

Representative McKEE of Wayne
Representative CARR of Lincoln
Representative EDER of Portland

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED**.

Report **READ** and **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 Resolve

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

S.P. 26 L.D. 40
(S "A" S-266 to C "A" S-4)

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 **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 Resolve

Resolve, Approving the 2003 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution

S.P. 585 L.D. 1630

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Secretary of State pursuant to Title X, Section 6 of the Maine Constitution.

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 Promote Fairness and Opportunity for Working Amputees

S.P. 48 L.D. 125
(C "A" S-259)

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 Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games

S.P. 515 L.D. 1536
(C "A" S-147)

Senator **WOODCOCK** of Franklin requested a Roll Call.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Requested)

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

COMMUNICATIONS

The Following Communication:

S.C. 279

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

May 29, 2003

The Honorable Beverly C. Daggett
Maine Senate President
3 State House Station
Augusta, Maine 04333

Dear President Daggett:

Pursuant to "A Resolve to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty" I am pleased to submit the enclosed 2002 Report Card on Poverty in Maine to you. Also included is a supplement updating the basic needs budget as requested pursuant to "A Resolve to Require the Development of a Basic Needs Budget."

The attached reports are arriving somewhat later this year. A number of the data items typically used in the annual series were delayed this year due to the federal budget process and the resulting changes in normal release dates by federal agencies. I hope you find the information contained

therein of use to you. If you have any questions or would like further information, please feel free to contact Joyce Benson at this Office (tel. 287-1461 or e-mail joyce.benson@maine.gov).

Sincerely,

S/David Keeley
Acting Director

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

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 Task Force To Study Regulatory Barriers to Affordable Housing
(EMERGENCY)

H.P. 364 L.D. 472
(S "A" S-265 to C "A" H-145)

In Senate, June 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145) AS AMENDED BY SENATE AMENDMENT "A" (S-265)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145) AS AMENDED BY HOUSE AMENDMENT "A" (H-273) AND SENATE AMENDMENT "A" (S-265)** 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:

REPORTS OF COMMITTEES

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

S.P. 390 L.D. 1186

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

That the Senate **Recede** from **Passage to Be Engrossed as Amended by Committee Amendment "A" (S-227)** and **Commit** the Bill and accompanying papers to the Committee on Criminal Justice and Public Safety in **Non-concurrence**.

That the House **Recede** and **Concur** with the Senate.

On the Part of the Senate:

Senator STRIMLING of Cumberland
Senator DAVIS of Piscataquis

On the Part of the House:

Representative BUNKER of Kossuth Township

Representative BLANCHETTE of Bangor
Representative RECTOR of Thomaston

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

RECEDED from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-227)**.

Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, 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:

COMMUNICATIONS

The Following Communication:

S.C. 280

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

June 11, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 264 An Act to Stimulate Small Business Development and Job Creation among Women and Rural Entrepreneurs through Training and Technical Support

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

Sincerely,

S/Sen. Mary R. Cathcart
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Funding for the Maine Dental Education Loan Program"

H.P. 152 L.D. 193

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

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

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

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

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

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

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and 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, 2003, June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 1190 L.D. 1614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-560)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560)**.

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

READ ONCE.

Committee Amendment "A" (H-560) **READ**.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "B" (S-274) to Committee Amendment "A" (H-560) **READ**.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Let me just tell you why I'm presenting this amendment. You may recall, in the discussion on adoption of the initial budget, I offered an amendment which got X number of votes. The discussion that occurred around the amendment was that this is an issue that we will deal with when we get to the next budget. Well, the next budget has come and it is here, but the issue has not been dealt with.

I want to first say to the members of the Appropriations Committee that I am pleased that they have accepted part of the recommendations that came from a number of people who worked on the whole question of the liquor enforcement issue. Now we have at least been able to merge the issue of gambling and liquor enforcement. They will now be involved, in a combined effort, working in that direction for the same purpose.

The second thing accomplished by the committee was to create a bureau under the Department of Public Safety, rather than another entity. That progress, I think, is excellent and I applaud that because it was part of some of the recommendations that were made. However, what is not part of it is the personnel and the number of personnel that will be involved in enforcing both gaming and liquor. I know some discussions took place among members of the Appropriations Committee. I want to lay out my concern, because I suspect this amendment will probably not be adopted because of the philosophy of not trying amending a budget that comes unanimously from the Appropriations Committee. If it were, I would be shocked.

On a matter of principle, I think it becomes important that we lay out the potential fears that I and others foresee. That is the lack of enforcement that will take place. When we come back in January, I suspect that the revenue figures that have been inserted into the budget for the amount of revenue from liquor, we will find that those do not exist. They will be substantially reduced. If you happen to own a restaurant or a bar, obviously you will be very pleased. There will be no enforcement to worry about. The amount of liquor that will now be picked up in New Hampshire to be sold in bars and restaurants in this state will be substantially increased. I cannot blame those individuals who are in business, for trying to cut their costs by 18% to 20%. As a matter of fact, I would be shocked if they do not. Frankly, if I were in that business, I would do the same. Part of our problem is that we are going to have to rely on the Maine State Police to do that enforcement on top of the other jobs that they have. What that means, if they try to do this, is that they will not do something else that they ought to be doing.

I had a friend of mine who happened to stop at the New Hampshire Liquor Store across the border. He told me there were about 20 cars there. One was from Florida, one from Vermont, one from New Hampshire, and the others were from Maine. What we are doing is increasing the income for the granite state while decreasing ours. That doesn't make much sense to me. Keep in mind that liquor will still be sold in this state. For the most part, however, it will be sold bottle by bottle by those people who simply go out to get a bottle. The amount of businesses that do it for a profit will be the ones who will pick it up. Some of you may come back and say, 'Gee, you can only bring a gallon across.' More than that is illegal. As you all know, any law, in my opinion, is illegal if you get caught. If you don't, no one ever knows or particularly cares. If no one cares, frankly, the law will be broken.

What the amendment does it adds in personnel and increases the fee. On a six-pack of beer it is roughly a little more than 1¢. That is what this amendment does. It is that simple, because it is simply a fee based on gallons. That is the way it is structured. I hope that when next year rolls around I am dead wrong. I hope that I am dead wrong about the lack of income. Dead wrong about the enforcement question and dead wrong about the potential deaths in our state as a result of the number of people who will go across the border. That is why I am offering the amendment tonight and for no other reason. I think it is clear that this is going to occur.

I feel bad about it because I am one of those who, for many years as a presiding officer in another body, was one of those who screamed about putting amendments on the budget, and perhaps even twisted arms so that they didn't get on. I feel so strongly about the issue that it needs to be mentioned. I am concerned about it. If you haven't been contacted by businesses, I am shocked because I have. I have received more calls on this issue and requests from the business community than perhaps any other issue this session. There is a need for this. Many of them said, 'If you want to do 10%, if you want to do a little more, we understand.' I hope the members of this body who own restaurant and bars will not be going to New Hampshire to pick up their liquor in violation of state law. I would hope that someone would watch all of us.

Senator **CATHCART** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-274) to Committee Amendment "A" (H-560).

Same Senator requested a Roll Call.

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

Senator **CATHCART:** Thank you, Madame President, men and women of the Senate. I urge you to vote to indefinitely postpone this amendment. I think that many of us in this body have some concerns about what has happened with liquor enforcement in our budget this year. However, I do not think that this is a very wise way to deal with that problem.

As you know, we have spent some weeks crafting the Part 2 budget, which the Governor has presented to us. It has required a lot of effort on the part of the Appropriations Committee, in a bipartisan and very cooperative manner, to come up with a unanimous budget that we all, wholeheartedly, could support. It has also taken an effort by leadership in both the Republican and Democratic parties, working together cooperatively, the members of our committee, and the Chief Executive to get an agreement on this budget.

It is a good budget. I feel proud that our committee has been able to present four budgets this session on which we have agreed unanimously. I know that all of you, in this chamber, feel proud that you, too, have participated in such an agreeable, amenable, and cooperative spirit throughout this whole session. We have set aside differences. We have really tried to work together. I think we can all go home feeling good about the effort we have made. I do think this is a budget we can feel good about. It has parts that will please everyone, regardless of party; liberal, conservative, moderate, or whatever we are. It includes no new taxes. It has budget stabilization funds and places a cap on the amount that the Executive and agencies can request in the budget. Many people in this caucus wanted this, and thought this needed to be done. We have all agreed it is very important. It also does something that pleased a number of us so much. Through the efforts of working together, we were able to restore some of the most drastic cuts to our most vulnerable citizens, children with mental illness, in this budget. We found more money to put back some of the cuts that were made in the Part 1 budget that troubled all of us. I know this, because our hearts go out to little children like that and we didn't want their services to be cut off. It defers, for a year, the increase in MaineCare premiums for children in the Cub Care children's health insurance program. It defers some of the co-pays that were put in by the Part 1 budget for the federally qualified health centers.

I think that all of us can support this kind of restoration of some drastic cuts. I believe that there are many things to commend in this budget. I hope that we will not break our agreement that we all spent so many hours working towards by passing any amendments to it. I ask you to support the motion to indefinitely postpone so that we can go right ahead and pass the budget tonight. Thank you, Madame President.

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

Senator **MAYO:** Thank you, Madame President, men and women of the Senate. A few months back, as some of you might remember, we had a similar motion presented by the good Senator from Aroostook, Senator Martin. There were many reasons at that time to reject it. The reason that stands out most in my mind is not supporting an amendment to a unanimous budget. I went along with that. Tonight, in this body, I do not intend to.

This morning, at least two members of this body were with two of the 16 sheriffs in this county, both of whom mentioned to me this particular problem. They are concerned because they are not able to handle liquor enforcement in their counties. They do not have the manpower. They do not have the knowledge. They do not have the professional expertise to do this. I would suspect, that with the possible exception of one or two counties, that holds true in the State of Maine.

Ladies and gentlemen of this body, we are headed into a major problem. I am concerned, as is the good Senator from Aroostook, Senator Martin, with the income projections. I have already been told by an organization in my community, of which I am a member, what they intend to do and how and where they intend to buy liquor in the future. Believe me, it is not in the State of Maine. They will be making a good additional profit on the liquor that is sold. I think if anyone in this body took it upon themselves to speak to organizations and other entities in their districts, they would find that this is going to be the rule, and not the exception in the State of Maine. How we can book income when, in fact, all we're going to be doing is giving the State of New Hampshire income in this regard.

I realize it is difficult to do anything against the unanimous report of the Appropriations Committee. We have heard about the fine work from that group from the good Senator from Penobscot, Senator Cathcart. I do not, personally, feel that this is going against them. It is not taking anything in that document out. It is adding something in that document that they choose not to include, for whatever reason. It does not change the bottom line financially. It will solve a

problem that I fear we will be back here before too long having to solve when it has gotten worse than it is tonight.

I would urge you to not support the indefinite postponement of this amendment. Thank you.

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 set aside the comments made by the good Senator from Sagadahoc, Senator Mayo, and the good Senator from Aroostook, Senator Martin, and concentrate and reflect on the fine words from the Senator from Penobscot, Senator Cathcart. I won't begin to repeat all the good things she said about the process that we went through. I will simply say that I agree with her words, totally. I would ask you to vote in support of her motion of indefinite postponement. Thank you very much.

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

Senator **MARTIN:** Madame President and members of the Senate. I'd like to pose a question to the good Senator from Penobscot, Senator Cathcart, or to other members of the Appropriations Committee that are in this body. I'd just like to find out, to some degree, what the problem was. I was told by members of the Appropriations Committee that the reason liquor enforcement was not dealt with more appropriately was because those in agreement with the Chief Executive and the Administration agreed that nothing would go into the budget unless it had the approval of the Republican leadership. I was told, that since the Republican leadership did not agree to add any more liquor enforcement, this issue was not done. I would pose that as a question, is this accurate or inaccurate?

On motion by Senator **CATHCART** of Penobscot, 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 Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. Since the Senator from Penobscot, Senator Cathcart, cannot answer, perhaps I could pose a question to the Senator from Cumberland, Senator Turner.

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

Senator **TURNER:** I'm not sure I can answer the good Senator from Aroostook, Senator Martin, directly. What I can tell you is that I'm not supportive of what has been put forward because I've had repeated assurances from the Commissioner of Public Safety that he can deal with the matter. He was asked pointed questions, repeatedly, by members of the Appropriations Committee and continued to affirm, publicly and privately, that he could deal with the problem with the resources that he had requested. I do recognize that he has said repeatedly that much of the dependence on the enforcement of these laws falls below the state level. They have been a key part of the mechanism for enforcing these laws. They will continue to be an even greater key. I'm comfortable that this problem can be dealt with within the budget. If the worse predictions of some come true, we will have to revisit it with the Administration, and change it accordingly. I am comfortable that it is being dealt with in the budget that is before us. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Martin, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **MARTIN:** Thank you, Madame President. I would like to thank the good Senator from Cumberland, Senator Turner, for his answer. I would simply say, at this point, that whatever happens now lies on the responsibility of the Commissioner of Public Safety. I pray to God that nothing does.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Senator **CATHCART** of Penobscot to Indefinitely Postpone Senate Amendment "B" (S-274) to Committee Amendment "A" (H-560). 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 (#156)

YEAS: Senators: BLAIS, BRENNAN, BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, GAGNON, GILMAN, HALL, KNEELAND, LAFOUNTAIN, LEMONT, MITCHELL, NASS, SAVAGE, TREAT, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BRYANT, EDMONDS, HATCH, MARTIN, MAYO, PENDLETON, SAWYER, STANLEY, STRIMLING

ABSENT: Senators: BENNETT, ROTUNDO, SHOREY, YOUNGBLOOD

EXCUSED: Senator: DAMON

21 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, the motion by Senator **CATHCART** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-274) to Committee Amendment "A" (H-560) **PREVAILED**.

Committee Amendment "A" (H-560) **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 were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Resolve

Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

S.P. 134 L.D. 397
(H "A" H-551 to C "A" S-40)

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 **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 Resolve

Resolve, to Improve Community Safety and Sex Offender Accountability

H.P. 292 L.D. 372
(S "A" S-267 to C "A" H-158)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

H.P. 1206 L.D. 1627
(C "B" H-556)

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

Emergency Resolve

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

S.P. 588 L.D. 1632
(S "A" S-270)

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 **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 Ensure Equity in Mortgage Volume Fees

S.P. 310 L.D. 969
(H "A" H-554 to C "A" S-186)

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.

ORDERS OF THE DAY

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

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

Tabled - June 11, 2003, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence. (Roll Call Requested)

(In Senate, June 10, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-147)**, in concurrence.)

(In House, June 11, 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 (#157)

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DOUGLASS, EDMONDS, GAGNON, GILMAN, HATCH, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, PENDLETON, SAVAGE, SAWYER, STANLEY, TREAT, WESTON, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, CARPENTER, DAVIS, HALL, KNEELAND, MARTIN, NASS, STRIMLING, TURNER, WOODCOCK

ABSENT: Senators: BENNETT, ROTUNDO, SHOREY, YOUNGBLOOD

EXCUSED: Senator: DAMON

20 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, was **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:

ENACTORS

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

An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State

S.P. 449 L.D. 1361
(C "A" S-256)

On motion by Senator **STRIMLING** of Cumberland, 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 (#158)

YEAS: Senators: BLAIS, BROMLEY, BRYANT, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, PENDLETON, SAVAGE, SAWYER, STANLEY, WESTON, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BRENNAN, LEMONT, NASS, STRIMLING, TREAT, TURNER

ABSENT: Senators: BENNETT, ROTUNDO, SHOREY, YOUNGBLOOD

EXCUSED: Senator: DAMON

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 4 Senators being absent and 1 Senator being excused, 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:

Emergency Measure

An Act To Make Supplemental Appropriations and 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, 2003, June 30, 2004 and June 30, 2005

H.P. 1190 L.D. 1614

(C "A" H-560)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#159)

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

NAYS: Senators: None

ABSENT: Senators: BENNETT, ROTUNDO, SHOREY, YOUNGBLOOD

EXCUSED: Senator: DAMON

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.

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

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

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

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, June 12, 2003, at 10:00 in the morning.