

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session (Continued)
May 21, 2003 to June 14, 2003

First Special Session
August 21, 2003 to August 22, 2003

First Confirmation Session
October 30, 2003

Second Regular Session
January 7, 2004 to January 30, 2004

Second Special Session
February 3, 2004 to March 18, 2004

Pages 715 - 1415

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 1341

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

October 3, 2003

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I am pleased to appoint Representative Patricia A. Blanchette of Bangor to serve as House Chair of the Joint Standing Committee on Criminal Justice and Public Safety in the place of Representative George H. Bunker, Jr. of Kossuth Township.

Further, pursuant to the same authority, I am also pleased to appoint Representative Janet T. Mills of Farmington to serve as a member of the Joint Standing Committee on Criminal Justice and Public Safety in the place of Representative George H. Bunker, Jr. of Kossuth Township.

Should you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/Patrick Colwell
Speaker of the House

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

SENATE PAPERS

Bill, "An Act To Encourage the Proper Disposal of Expired Pharmaceuticals" (EMERGENCY)

S.P. 671 L.D. 1826

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative LEMOINE of Old Orchard Beach and Senators: BRENNAN of Cumberland, DAMON of Hancock, MAYO of Sagadahoc, TREAT of Kennebec, TURNER of Cumberland, Representatives: Speaker COLWELL of Gardiner, KOFFMAN of Bar Harbor, PERRY of Calais.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator BRENNAN of Cumberland, REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Orders

On motion by Senator GAGNON of Kennebec, the following Joint Order:

S.P. 672

ORDERED, the House concurring, that Bill, "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, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ.

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

Senator GAGNON: Thank you, Madame President, men and women of the Senate, this Joint Order is to recall from the Governor's desk the bill concerning harness racing, which we have heard a lot about. As most of you are aware, there has been quite a bit of activity related to gambling in the State of Maine. I think most of us have been aware of that. We completed a hearing last night on the Governor's bill and there is actually news today of a pending sale in Bangor. What we are trying to do is recall this bill and try to spend a little time to try to get some agreement with all of the parties. It is in the Governor's agreement, the committee's agreement, and the stakeholders' agreement that we do recall this bill. Once we get it back, we will refer it back to the committee and we will try to work everything out over a period of time. I appreciate your support.

Senator BENNETT of Oxford requested a Division.

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

Senator **TURNER:** May I pose a question through the Chair to anyone who may wish to answer?

THE PRESIDENT: The Senator may pose his question.

Senator **TURNER:** Is the bill referenced by the good Senator from Kennebec, Senator Gagnon, the bill that we had passed in the first session and was sitting on his desk in veto-proof status?

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

Senator **GAGNON:** Thank you, Madame President. The answer is yes.

At the request of Senator **BENNETT** of Oxford a Division was had. 26 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **PASS, PREVAILED.**

Ordered sent down forthwith for concurrence.

Expression of Legislative Sentiment recognizing:

Kristy Worthen, of Arkansas, who initiated the "Shedding Light Tour," a project designed to educate the public about mental health issues. She designed a mental health flag at the request of the National Alliance for the Mentally Ill of Arkansas. Arkansas' Lieutenant Governor was so impressed with Kristy's story and the flag she made that he asked the National Lieutenant Governors Association to fly the flag one day at each state capitol to focus attention on mental health issues and help erase the stigma and dispel the myths associated with mental illness. She has visited 14 states and Washington, D.C. We welcome Kristy to the State of Maine and congratulate her on her quest to educate people about mental illness;

SLS 453

Sponsored by President **DAGGETT** of Kennebec. Under suspension of the rules, cosponsored by Senators: **TREAT** of Kennebec, **GAGNON** of Kennebec, **DAVIS** of Piscataquis, **WOODCOCK** of Franklin, Representatives: Speaker **COLWELL** of Gardiner, **RICHARDSON** of Brunswick, **DUPLESSIE** of Westbrook, **BRUNO** of Raymond, **BOWLES** of Sanford.

READ.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. We are very fortunate today to have Kristy here because she represents courage in the form that many of us would like to have on a regular basis. What she is doing is extraordinarily courageous. Let me tell you why. Last year, this

body, this Legislature, passed, for the first time, a mental health parity bill. In 2003, we finally recognized that mental illness is comparable to other physical ailments and we finally recognize that by passing insurance parity in the State of Maine. That was in 2003. That shows the type of stigma that people with mental illness have lived with for hundreds of years in this country. That is why what she is doing is so courageous. She has already gone to 14 different states to talk about the mental illness she has grappled with in her life and to be here today. It truly is courageous.

Just to show the depths of some of the stigma we still have in the State of Maine, we are the only state that says in their constitution that if you are under guardianship for mental illness, you are not allowed to vote. In 2000, that issue went to the voters in the State of Maine and we asked them to repeal that and to allow persons who are under guardianship for mental illness to vote. It failed, 60% to 40%. 60% of the voters still felt that it was inappropriate for persons with mental illness that are under guardianship to vote in this state, even though we allow everybody else under guardianship in this state to vote. Again, it is only the State of Maine that has this in their constitution. Fortunately, a Federal Court Judge overruled that and now persons with mental illness who are under guardianship can vote in the state.

But that was in 2000. In 2003, we finally passed mental health parity. The stigma surrounding mental health still persists widely in this state today and across the country. Again, I feel privileged to be able to stand here today and to meet and be able to talk to a woman who has shown such courage and made such a commitment to go not only to our state, but across the country, and help us understand more about the stigma and the issues around mental illness that face all of us. Thank you very much.

PASSED.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Kristy Worthen and her mother, Mary. They are accompanied by Diane McCormick of McCardinal Photo. Also in the rear of the chamber, representing NAMI Maine, are Diane Bechard, the President of NAMI Maine, accompanied by her husband, Julian; Mike Arenstam, a board member, accompanied by his wife, Peggy; Kelly Stalpes, a board member, accompanied by her son, and Alex; Melissa Gattine, the Special Projects Coordinator for NAMI Maine, accompanied by her son, Nathaniel. They are accompanied by Gerry Levesque, Dino Tsampanles, and Sarah Morrow who are from AstraZeneca Pharmaceuticals, the sponsors of Kristy's endeavors. May they please accept the greetings of the Maine Senate.

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

PAPERS FROM THE HOUSE

House Paper