

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
February 24, 2004

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

Prayer by Reverend Gregory Vinson, Elim Community Church in Bath.

REVEREND VINSON: Good morning. On this beautiful February morning, hopefully one more day closer to spring. As I was waiting this morning and looking at the pictures, I realized this is my tenth year that I've had the opportunity to come either to the Senate or to the House to give the morning invocation. I thank you for the honor and the privilege of doing this. Let us pray.

Dear Gracious Father, we are so thankful for all that You are doing. We are grateful for the country that we live in and that state that we live in. We pray this morning that You will guide and lead, that You will give wisdom and unity, and the work that You desire to be done within the lives of all who live in this state will be done. I pray especially this morning for those who are gathered here, for the Senators, for their families, and their loved ones. May You keep them and bless them. I pray that You will open the heavens upon them and meet their every need. We pray that You will continue to keep this country safe in the days ahead while we face difficult times. May we be mindful now of those deployed; our troops throughout the world. May we be mindful of the units who have left the State of Maine, their loved ones who await their return. May we be mindful of those who have lost loved ones already. We do pray that You will continue to lead this state, our government, this Senate, the House, the leadership of our country, and guide us through these times that are very difficult. We pray that You will meet the needs of every citizen of this state. We thank You for all that You are doing in the midst of Your people. Again we ask that You will bless this Senate throughout this day and the days ahead. In our Lord's name, Amen and Amen.

Pledge of Allegiance led by Senator Lynn Bromley of Cumberland County.

Doctor of the day, Peter Mason, D.O. of Bath.

Reading of the Journal of Thursday, February 19, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Charter of the Mount Desert Water District" (EMERGENCY)
H.P. 1386 L.D. 1860

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

S.P. 711

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

February 19, 2004

Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on
Criminal Justice and Public Safety
Rep. Patricia A. Blanchette
House Chair, Joint Standing Committee on
Criminal Justice and Public Safety
121st Legislature
Augusta, ME 04333

Dear Senator Strimling and Representative Blanchette:

Please be advised that pursuant to Title 25 M.R.S.A. §1501, Public Safety Commissioner Michael Cantara, on the advice and consent of Governor John E. Baldacci, has nominated Major Craig Poulin of Gardiner for appointment as Chief of the Maine State Police.

This nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

The Following Communication:

H.P. 1385

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

February 10, 2004

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

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Natural Resources from the review and evaluation of the Board of Underground Storage Tank Installers under the State Government Evaluation Act. In its review, the committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator John L. Martin
Chair

S/Representative Theodore Koffman
Chair

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

READ and with accompanying papers **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication:

S.C. 458

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

February 17, 2004

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. 336 An Act to Fund the Endowment Incentive Fund

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

Sincerely,

S/Sen. Mary R. Cathcart
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

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

The Following Communication:

S.C. 459

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

February 17, 2004

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

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1650 An Act To Ensure Equitable Economic Development within the Kennebec Valley Economic Development District
- L.D. 1696 Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes To Prepare a Recodification of the Maine Revised Statutes, Title 9, Chapter 385; Title 10, Chapters 901 and 951; and Title 32
- L.D. 1795 An Act To Permit the Filling of a Prescription Refill Prior to the End of the Prescription

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy B. Sullivan
House Chair

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

The Following Communication:

S.C. 460

**121ST LEGISLATURE
COMMITTEE ON LABOR**

February 17, 2004

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

Dear President Daggett and Speaker Colwell:

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

- L.D. 1721 An Act To Amend the Fees Paid to Attorneys for Lump-sum Settlements in Workers' Compensation Cases

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

Sincerely,

S/Sen. Betheda G. Edmonds
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication:

S.C. 461

121ST LEGISLATURE

**COMMITTEE ON
LEGAL AND VETERANS' AFFAIRS**

February 17, 2004

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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1710 An Act To Allow Towns To Consolidate for the Purpose of Establishing a
Voting Place

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

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. Joseph E. Clark
House Chair

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

The Following Communication:

S.C. 462

**121ST LEGISLATURE
COMMITTEE ON TAXATION**

February 17, 2004

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

Dear President Daggett and Speaker Colwell:

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

L.D. 1718 An Act To Clarify the Sales Tax Exemptions Regarding Assisted Housing
Programs

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

Sincerely,

S/Sen. Stephen Stanley
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

The Following Communication:

S.C. 463

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

February 17, 2004

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

- L.D. 1778 An Act To Prohibit Female Genital Mutilation
- L.D. 1822 An Act To Increase Access of Domestic Violence Victim Support Agencies to Certain Information

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

Sincerely,

S/Sen. Peggy A. Pendleton
Senate Chair

S/Rep. William S. Norbert
House Chair

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

The Following Communication:

S.C. 464

**121ST LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

February 17, 2004

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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1740 An Act To Make Electricity Provider Do-not-call Requirements Consistent with State and Federal Requirements

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

Sincerely,

S/Sen. Christopher Hall
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

SENATE PAPERS

Bill "An Act To Expand Access to Higher Education and Employment for Youth"

S.P. 708 L.D. 1862

Sponsored by Senator STANLEY of Penobscot.

Cosponsored by Speaker COLWELL of Gardiner and Senators: BRYANT of Oxford, HALL of Lincoln, Representatives: CARR of Lincoln, DUPREY of Medway, GOODWIN of Pembroke, RICHARDSON of Brunswick, SHERMAN of Hodgdon, SUSLOVIC of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator DOUGLASS of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth"

S.P. 709 L.D. 1863

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative CARR of Lincoln and Senators: SAWYER of Penobscot, STANLEY of Penobscot, Representative: KOFFMAN of Bar Harbor.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator MARTIN of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

**Pursuant to Public Law and Resolve
Joint Standing Committee on Natural Resources**

Senator MARTIN for the **Joint Standing Committee on Natural Resources**, pursuant to Public Law 2003, chapter 318, section 5 and Resolve 2003, chapter 101, section 3 asked leave to report that the accompanying Bill "An Act Relating to Storm Water Management"

S.P. 712 L.D. 1866

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator MARTIN of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

ORDERS

Senate Order

On motion by Senator YOUNGBLOOD of Penobscot, the following Senate Order:

S.O. 40

WHEREAS, the Joint Rules of the 121st Legislature, Rule 371 states: "The President of the Senate shall appoint 6 Senators, 3 from the political party holding the majority of seats in the Senate and 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."; and

WHEREAS, the President of the Senate has not yet made the appointments; now, therefore, be it

ORDERED, that We, the Members of the Senate of the 121st Legislature now assembled in the Second Special Session, direct the President of the Senate, the Honorable Beverly C. Daggett, to fulfill her obligation and duty to appoint the Senate members to the Government Oversight Committee pursuant to Joint Rule 371 by February 27, 2004.

READ.

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

Senator **YOUNGBLOOD:** Thank you, Madame President, ladies and gentlemen of the Senate. I have given a lot of thought about how to start to discuss this issue. The one thing that came to mind was something that we've all heard many, many times. It's a sad day in Mudville, but the mighty Casey is at the bat. It's a sad day in the chamber of the Maine Senate when we have to bring forward this sort of an order. I did not do this easily. We, the members of this chamber, are responsible, ultimately, for the direction that we take in virtually every issue. I won't go into a lot of the history of OPEGA, the Office of Program Evaluation and Government Accountability, other than to say a few brief remarks as to why it was necessary in the 120th Legislature and why it is necessary now that we go forward with this effort. There are people in this room that were not part of the 120th Legislature when this legislation was brought forward. As it was coming forward, there were many people who said that this would never see the light of day. It was later billed as the most significant piece of legislation of the 120th Legislature by those same people because it gives us, the members of the legislature, the ability to get data that we have never been able to get arms around in the past.

Less than two weeks ago I had lunch, here in Augusta, with a gentleman who used to work for state government. This is a gentleman who spent years with a very significant Maine industry in the private sector. He left the private sector to take a relatively high position in the bureaucracy here in Augusta. He did, what each and every one of us would have done in the early days of being in that new position. He got out the state statutes and looked at the enabling legislation that told him what it is that he and his department ought to be doing. In the first meeting with the members of his department, he began to lay out what it was that he was going to do and the direction that he was going to take. They said, 'oh, no, wait just a minute. That's not how we do that here.' His response was, 'what do you mean, that's not how we do it here? The law says how we are supposed to do it.' The response from the rest of his people was, 'oh, we don't pay any attention to the law. This is the way we do it here.'

I don't have to relate all the stories that you've heard from department after department of our not knowing what is going on with state government. If we ever hope to have a handle on this, OPEGA, from my perspective, is that best answer. You hear lots of stories about how government is imploding and nobody's at the wheel. This kind of operation is very important to people new to the process, such as myself. If you have lots of institutional memory, and it's a good thing that there are some people here that do have that memory, this may not be as important an issue to you. If you are new on the scene, and you have no way to know whether you are getting the real story or not, if you have a non-partisan, professional research arm that you can go to and say 'our committee, or myself as an individual, needs some real details on this particular program.' None of you that have been around here, even for as long as a year, can get that kind of data.

When the draft budget was put together a year to a year and a half ago, there was \$2.4 million in the budget to run this office. Before that budget came out of the Governor's office, I sat down with Jane Lincoln and said that we needed to make sure that we have some money in the budget to this with. It was reduced substantially. I understand all the reasons for doing that. When that draft budget came out of the Governor's office, it had \$1.2 million to fund the OPEGA operation and get it started. The Legislative Council removed all of those dollars, and after an extended debate and an extended fight, ultimately there was \$600 that was put back in to fund this office and get it going. Enough to get it going, not enough to do a great job, but enough to get started in the right direction.

A lot of people played a very important role in getting that bill to where it is today, under the leadership of the Senator from Cumberland, Senator Pendleton, when she was chairing the State and Local Government Committee. This bill was a committee bill. It was not the bill of any individual. It got shepherded very well to this point. But, to this point, after three years, this bill only exists on paper. It only exists on paper. I'm sure you will all agree there are lots of frustrating things with

being involved in the legislature day after day. To me this is one of the most frustrating things that I have come across. This bill, for those of you who may not know it, in the 120th passed the Senate 31 – 4. Thirty-one to four in this chamber were in favor of this piece of legislation. When it was enacted in the other chamber, I cannot tell you the exact count, but it was either 126 – 0 or 128 – 0 in favor of this piece of legislation. The rank and file clearly said that we need a vehicle, we need a tool, that will allow us, as legislators, to get ourselves on a equal footing with the Executive Branch. Right now the Executive Branch tells us what they want us to know. I defy you to get information beyond what they want you to know.

Last May the House appointed its six members to this committee. They have met a few times. They have performed a few functions. Last fall they hired an expert in the area of program evaluation to come to Augusta and spend three days laying out how the program ought to work, things that they ought to be considering, and directions they ought to be taking. I want to thank the President of the Senate for allowing me to spend those three days, even though we did not have a committee. She did allow me to sit in on that. The Senator from Cumberland, Senator Pendleton, spent a day there as well.

This kind of brings us to today, where the Senate still does not have any members to this oversight committee and not having any way to add input as to how the rules of engagement might work in this. This is a unique experience. It is a committee, for the first time in my very short term here, and only two terms makes me a very short term, where the Senate and the House are on equal footing. It's not in pure numbers weighted one way or the other. There are six members from the House and six members from the Senate. There are three members from each chamber representing the two major parties. Again, complete equality. They have to sit and work out how the rules of this engagement are going to happen. It has to be that way to ensure that this will be a bi-partisan, professional entity with integrity so that when you get a report from it you can say you don't have to put that on the shelf like you do so many other reports that you get. It does have validity and you can believe what it is saying.

In order to get to the point where we were trying to get some members of the Senate appointed to this committee, I was asked to participate in a deal. If I were to agree to keep people from submitting any kind of legislation that would in any way alter this legislation then the committee would be named. No one, not one of us, ought to ever negotiate away our legislative right to represent our constituents, to bring forward anything that they think ought to be done. No member of this chamber ought to be asking us to do that from my perspective. It's the legislative responsibility to see that this works and works well. It can only work if the Senate has its six people at the table with the six people from the House, to see that we have an equal voice in that. It's time to get off square one. You have an opportunity to be part of legislation that will change the institution of government. You just have to have the courage to stand up and do what is right because, as of today, no one here, myself, the Senator from Cumberland, Senator Pendleton, who chaired the committee for us, can say that we are supporting the OPEGA operation because it only exists on paper. Unless we join together and make it happen, it always will. Thank you very much for your time.

Same Senator requested a Roll Call.

The President requested the Sergeant-At-Arms escort the Senator from Kennebec, Senator **TREAT** 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 **SHARON A. TREAT** of Kennebec County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Madame President and members of the Senate. I appreciate the Senator from Penobscot, Senator Youngblood's concern about how to begin a conversation. I had that same concern myself and I felt that I should be the one to respond, since I have probably been more intimately involved with this issue than, frankly, any member of this chamber. I share the goals of this committee. I share the goals of this office. I served on the Audit and Program Review Committee, which was the precursor of OPEGA, which was a part of the oversight arm of the legislature until it was abolished in 1994. The goals of this office are extremely important. In fact,

as we talked to our constituents and others about the role of the legislature, most of them are familiar with law making. Most of them are familiar with constituent advocacy. Very few are familiar with the oversight function. Yes, it does need special attention. It does need special attention, and frankly, I think in this day of term limits, it needs even more attention. The office is even more pertinent because it's not easy to do oversight. It takes an extraordinary amount of energy, effort, and probing. It is not an easy thing to do.

Today, this is not about the appropriateness of an office. It is not about oversight. This is about the honor involved in keeping an agreement. This is about taking responsibility for your actions. Shaking hands on an agreement and saying, 'yes, I'll stand by that agreement.' That is what today is about. Those members of this legislature who have been very involved in this, and wish it to move forward, have had within their grasp, every minute since that budget was passed, to see that the appointments would be made simply by agreeing to stand by what they verbally committed to, to stand by that commitment. That is what I have asked repeatedly. During one of the budgets of last year there was a negotiation. There were a handful of people intimately involved with it and some that probably had heard about it afterwards. There was an agreement that, in exchange for a few, in my opinion, somewhat minor changes in the law that was already there, there would be funding. It is my recollection that the funding was for \$600,000 not \$600, as was mentioned earlier. So the agreement began. There would be funding and there would be language changes.

Interestingly, one of those language changes, that I felt was very important and had to work very hard to get, was one that was not statutory. It was actually in the rules. It required an equal number of Senators as House members. It was my feeling that if the committee had the right to act unilaterally, it was not fair, and I was not doing my job to protect the Senate, if we did not have an equal number of people from the Senate as were appointed from the House. That was one of the changes that I asked for.

One of the other changes had to do with some confidentially language. Another change had to do with the ability of this committee to go after individual employees, even in so far as how they spent their own money during work time. I just felt it was a little overly broad.

As a part of that agreement, and after the agreement had happened, leadership sat down, and I know that all the Senate's members of leadership were there, in the Governor's office, and I believe that the Governor's staff was there, and we were all asked if we agreed to what had been done. In fact, everyone did agree. Every member of leadership that was sitting there agreed. As part of that agreement, I indicated that I would be pleased to appoint those people that were put forward by my Republican colleagues in leadership. I feel that this was part of the agreement. It was not one piece that had to be adhered to. It was part of a package.

Well, as some of you may know, there had hardly been a moment that passed that this agreement was violated. This was to be it. The language, the money, no further changes, no law changes, nothing. Couldn't have been a heartbeat later, when the budget came floating over here and we had a chance to look at it with a floor amendment from the House, that there was a direct violation of the agreement. With the help of the Senator from Cumberland, Senator Pendleton, who understood and was part of the agreement, we did actually remove that here. Another thing that happened was there was \$150,000 that was taken from the Highway Fund and transferred to the office. Again, another violation of the agreement. Even though there were some efforts made to have that changed, it was not changed. It was changed to the tune of \$75,000, but it still left that money in place. I felt that it was completely inappropriate to have an agency buying its own evaluation. No one else seemed to share that view at the time. Now there seems to be a lot of converts, but at the time there was no real concern with that.

Sometime during the summer I was asked about the appointments. I said that as soon as the agreement was there, in place, and the money was gone, I would be happy to move forward. I, frankly, expected that there would be an effort to fix that during the special session in August and was somewhat surprised when it did not surface. Again, during the fall, I was asked. In fact, I told a person who had great interest in this that if they would just commit to me that they would work to get that money out, I would appoint the members right then. I never, ever got that commitment. It was from somebody who was a part of the agreement and who was sitting right at the table.

Then the consultant was invited up. In fact, I happened to see a letter that he had written asking to have an appointment with me. No one called my office. I specifically came over here to be here on the day that he was here. He never came to my office. No one asked me to visit with him, to talk with him. I was simply not a part.

I have indicated an interest in working with those members. I had a paper put down on my desk saying that this is the language change that we are now going to have to have. It addressed most of the things that actually had been changed during the budget agreement last year. I've been accused of moving the goal post. I haven't touched them. I've asked that those people who are a part of this agreement be willing to live by it. That is all I've asked. I consider myself a person of my word. If I give my word, it has meaning. Not on one thing, maybe not on two things, but on everything. On

everything. For those Senators who were at that meeting, who agreed to follow and stick by that agreement, I ask them if they will pledge to do so at this moment.

Madame President, I ask permission to pose this question through the chair.

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Daggett poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. It will come as little surprise to anybody that my interpretation of the events that have transpired are slightly different, with all due respect to the Senator from Kennebec, Senator Daggett's. There was an agreement. The agreement was that we would not bring forth changes in the bill that was coming forth surrounding OPEGA. To this moment, the good Senator from Piscataquis, Senator Davis, and I have brought forth no changes and have instigated no changes in the original bill to OPEGA. The agreement that was originally struck by the President and other members of leadership was that the appointees would be forthcoming if the bill would stay intact. The concern that we had, the concern that we continue to have, is that when the bill was intact there were no appointees. So what is the timetable for appointing the Senate members to this committee? Are we to consider that this OPEGA process is ongoing ad infinitum? The question being raised this morning is in some small way a question of integrity on the part of the President, not directed at her but directed at us. I would share with the members of this body that, as far as the original agreement was concerned, no member of leadership from this side of the aisle broke that agreement. We instigated no change. We adhered to the original bill. Yet, throughout the process, there were no appointees to OPEGA. That is it. To reiterate the comments of the good Senator from Penobscot, Senator Youngblood, at no time, in any process, do I recall having the power or the authority to take a member of this body aside and say, 'you do not have the right, on your own, to instigate a change.' Today, we arrive at this place in time. The original agreement was a verbal agreement. From our perspective, we have honored that agreement. At no time did we violate it. Today we do not have appointees on the Senate side of the aisle. Thank you, Madame President.

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

Senator **SHOREY:** Thank you very much, Madame President, men and women of the Senate. I don't know a whole lot about the agreement that was struck, but I have an agreement with my constituents. My agreement with my constituents is to do the very best that I can do to make Maine a good place to live and have government run as efficiently as it possibly can. From what I heard from the good Senator from Kennebec, Senator Daggett, this whole thing is about \$75,000. If I am incorrect, please correct me. It seems that it is about \$75,000. From what I've heard about OPEGA, there was savings in Florida of millions of dollars. Other states saved millions of dollars. Once again, the people of the State of Maine are going to look at the Maine Senate and say, 'is pride standing in the way of saving us millions of dollars? Are we going to be pennywise and pound foolish?' I don't know about any agreement, but it sounds awful silly to me to say that if we don't get the \$75,000 out of there that we are not going to save millions. That is ridiculous. Thank you.

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

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I too was there during the discussions and the agreement. It was clear to me what the agreement was. I know it is somewhat mysterious to all of you who may not be in the room, or may not be meeting with the Governor, because it's difficult to have everybody there. When these discussions occur with leadership, what generally happens is that leadership reports back to the group, as we do on this side, about what the agreements are and if they would be willing to honor the agreement. When we go into a room and have an agreement for the Democratic caucus, for example, we want to be able to speak for the caucus. That was our assumption, I guess, with the agreement on the budget. Apparently we were wrong and the agreement was not with the Republicans and the leadership who represents them, but with just two individuals. If that is the case, in the future we're going to have to begin having discussions with all members on a regular basis and negotiate agreements. If that is the case, then OPEGA has its first organization to look at, how we effectively communicate or effectively govern and communicate our differences.

This is a little different for me, and I know the leaders are relatively new in their leadership posts for this session, but we obviously had a different impression of what occurred. That impression was clear to all of us who were there. There would be no changes in the law. We supported the law. We gave our votes for that change. We supported the budget that was agreed to. Others supported not making changes to that law so we could move forward and the appointments be made. Did that only apply to me? The agreements that I made only applied to me? I don't think I'd be doing my job representing my caucus in those discussions if I didn't give feedback to them and find out what it is that we've all agreed to. It puts us in a very precarious situation, as we move forward, in other agreements. We are going to have to be careful on our side to say, 'do you speak for your caucus or are you just speaking for yourself today?' It makes for a difficult situation when we are trying to move forward on something as important as this. This could have been moved on very quickly, I grant you, we're not debating the law and we're not debating the value of it. There are certainly people within this caucus who strongly support OPEGA and would like to get it moving. In fact, I think it would be easy for us to get it going. Thank you, Madame President.

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

Senator **WOODCOCK:** Thank you, Madame President, ladies and gentlemen of the Senate. I do appreciate the concerns of the good Senator from Kennebec, Senator Gagnon. I appreciate his leadership style. Frankly, I have a great deal of respect for him and for the leadership on the other side of the aisle. That remains the case.

Let me reiterate my comments. The original agreement was not broken by leadership on this side of the aisle. The timetable, from my perspective, was altered. If we were going forth with our original agreement and the appointments were to be made, there was no change in the agreement. We are discussing when does it become a case where a leader takes the entire caucus aside and says to them, 'no changes ever in this.' In my perspective this morning, and I want to share it again with you, we honored our agreement. We represent our caucus. At no time am I going to assume the responsibility, ad infinitum, of saying to members of the caucus that they may not alter a bill brought before them. I appreciate what is being said this morning. It's a matter of change. Change needed to be made. It was not. No agreement, from our side of the aisle, was altered. I appreciate the opportunity to share this with the entire body. Again I would say, I have the greatest admiration for the leadership on the other side of the aisle. I always have. I particularly respect them as human beings. To imply that we have altered leadership style is simply not true. Thank you, Madame President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Daggett.

Senator **DAGGETT:** Thank you, Madame President. I appreciate the remarks of my colleagues and would ask that those who are willing to continue to support the agreement that was made to vote against this order that is in front of us. If you are willing to commit to supporting that agreement and are willing to do so publicly, I will be pleased to make my appointments before the end of this day.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Pendleton.

Senator **PENDLETON:** Thank you, Madame President, men and women of the Senate. This particular piece of legislation has been my baby since day one. I'm proud of it. I'm having a little trouble raising my baby, but it will come, it will come. This particular piece of legislation was put together by a committee of 13 people, bi-partisan. We spent months and months and months on the language. We spent more than a year trying to get this piece of legislation through the two bodies. I think it's an important piece of legislation. I think it is an excellent tool for those that I leave in my legacy that will be here when I'm not. I think that the major thing for me right now is to get that committee named. My baby has got to have the right of passage and go through puberty and get to adolescence before we go on and for it to be an adult piece of legislation that will work for all the people of the State of Maine, not just us as legislators, but for all the people of the State of Maine. If I heard the Senator from Kennebec, Senator Daggett, correctly, she said that if we voted against this Senate Order, that means we would stick to the original agreement, and she would name that committee by the end of today. If that is the truth, I feel like the two mothers in the Bible when they

both claimed the same baby and brought the baby to the judge and the judge said he'd cut the baby in half. The real mother said, 'no don't do that' and gave up her claim. Well, I'll give up my claim to this Senate Order if the President of the Senate can guarantee to all of us that this committee will be named today. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Youngblood to Pass. 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 (#242)

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

NAYS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAGGETT, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, PRESIDENT PRO TEM – SHARON A. TREAT

EXCUSED: Senator: HATCH

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **YOUNGBLOOD** of Penobscot to **PASS, FAILED**.

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

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

Senate called to order by the President.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Standard Contracts for Assisted Living Services"

H.P. 1145 L.D. 1563

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Ensure Playground Safety"

H.P. 927 L.D. 1253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-693)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**.

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

READ ONCE.

Committee Amendment "A" (H-693) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Law Providing Restitution to Victims of Timber Theft"

H.P. 1260 L.D. 1738

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-690)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**.

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

READ ONCE.

Committee Amendment "A" (H-690) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Revise the Minimum Firefighter Safety Standards"

H.P. 1311 L.D. 1789

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-691)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-691)**.

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

READ ONCE.

Committee Amendment "A" (H-691) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies
H.P. 987 L.D. 1341

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-695)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-695)**.

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

READ ONCE.

Committee Amendment "A" (H-695) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Strengthen the Prohibition against Night Hunting"

H.P. 1238 L.D. 1662

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-692)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**.

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

READ ONCE.

Committee Amendment "A" (H-692) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Membership of the Revenue Forecasting Committee"

H.P. 10 L.D. 3

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
FAIRCLOTH of Bangor
PINGREE of North Haven

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-705)**.

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**.

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

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the 'Aroostook Residential Center'

H.P. 1307 L.D. 1785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-696)**.

Signed:

Senators:

ROTUNDO of Androscoggin

LAFOUNTAIN of York

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth

PEAVEY-HASKELL of Greenbush

CROSTHWAITE of Ellsworth

SUSLOVIC of Portland

BARSTOW of Gorham

KETTERER of Madison

SUKEFORTH of Union

BOWEN of Rockport

BUNKER of Kossuth Township

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

Signed:

Representative:

STONE of Berwick

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-696)**.

Reports **READ**.

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

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

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor"

S.P. 373 L.D. 1149

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-391)**.

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
MILLS of Cornville
O'BRIEN of Augusta

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLETT of Waterford

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-391) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Make Retirement Benefits More Equitable by Imposing a Surcharge on Income from Congressional Retirement Benefits"
S.P. 616 L.D. 1684

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-392)**.

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

TARDY of Newport
McCORMICK of West Gardiner
COURTNEY of Sanford
LERMAN of Augusta

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

Signed:

Representatives:

LEMOINE of Old Orchard Beach
McGOWAN of Pittsfield
SUSLOVIC of Portland
SIMPSON of Auburn
PERRY of Bangor
CLOUGH of Scarborough

Reports **READ**.

Senator **STANLEY** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

Seven members of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require All Health Insurers To Cover the Costs of Hearing Aids"
S.P. 359 L.D. 1087

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-394)**.

Signed:

Senators:

LAFOUNTAIN of York
DOUGLASS of Androscoggin
MAYO of Sagadahoc

Representatives:

PERRY of Calais
BREAULT of Buxton
CANAVAN of Waterville

PERRY of Bangor

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-395).**

Signed:

Representatives:

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

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representatives:

WOODBURY of Yarmouth
O'NEIL of Saco

Reports **READ.**

Senator **LAFOUNTAIN** of York moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-394).**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-394).**

SECOND READERS

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

House

Bill "An Act To Clarify the Educational Requirements for Counselor Licensure"
H.P. 1279 L.D. 1757

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

House As Amended

Bill "An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers, Applied Career Technology Centers"
H.P. 1227 L.D. 1649
(C "A" H-685)

Bill "An Act To Simplify the Finance Authority of Maine Act"
H.P. 1288 L.D. 1766
(C "A" H-686)

Bill "An Act To Clarify the Standards for Granting a Name Change"
H.P. 1319 L.D. 1797
(C "A" H-682)

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

Senate As Amended

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"

S.P. 606 L.D. 1655
(C "A" S-390)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2005

H.P. 1231 L.D. 1656
(C "A" H-665)

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 Streamline the Time-share Rate Collection Process

H.P. 1235 L.D. 1659
(C "A" H-669)

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.

Emergency Measure

An Act To Clarify Membership on Boards of Directors for Maine Financial Institutions

S.P. 649 L.D. 1717
(C "A" S-376)

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.

Emergency Measure

An Act To Amend the Apportionment of Legislative House Districts 76 and 77

H.P. 1374 L.D. 1848
(S "A" S-383)

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.

Resolves

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 635 L.D. 1703

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine

H.P. 1306 L.D. 1784
(C "A" H-667)

Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse

H.P. 1314 L.D. 1792

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

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 (1/29/04) Assigned matter:

JOINT ORDER - Authorizing the Joint Standing Committee on Education and Cultural Affairs to Report Out a Bill Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age

S.P. 680

Tabled - January 29, 2004, by Senator **DOUGLASS** of Androscoggin

Pending - motion by same Senator to **PASS**

(In Senate, January 29, 2004, on motion by Senator **DOUGLASS** of Androscoggin, **READ.**)

On motion by Senator **DOUGLASS** of Androscoggin, **PASSED.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/18/04) Assigned matter:

Bill "An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting"
S.P. 625 L.D. 1693

Tabled - February 12, 2004, by Senator **BRYANT** of Oxford

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-385)**

(In Senate, February 18, 2004, Report **READ** and **ACCEPTED. READ ONCE.** Committee Amendment "A" (S-385) **READ.**)

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-393) to Committee Amendment "A" (S-385) **READ** and **ADOPTED.**

Committee Amendment "A" (S-385) as Amended by Senate Amendment "A" (S-393) thereto, **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Resolution

On motion by Senator **CATHCART** of Penobscot (Cosponsored by Representative **DUNLAP** of Old Town and Senators: **MARTIN** of Aroostook, **STANLEY** of Penobscot, Representatives: **DUPREY** of Medway, **FAIRCLOTH** of Bangor, **MILLS** of Cornville, **O'BRIEN** of Augusta, **ROSEN** of Bucksport, **THOMAS** of Orono) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 710

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RAISE THE WEIGHT LIMIT ON INTERSTATE 95

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the United States Congress, as follows:

WHEREAS, Interstate 95 in the State of Maine, which is part of the Dwight D. Eisenhower System of Interstate and Defense Highways and is governed by the Federal-Aid Highway Act of 1956, is central to Maine's commerce and industry; and

WHEREAS, the weight limit on the Interstate Highway System is set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and consequently by Maine statute, yet the State of Maine has a 100,000-pound limit on its secondary roads, which does not match the national limit; and

WHEREAS, truck drivers must leave the Interstate Highway System when the weight of their vehicles does not allow them on the highway, and they must take side trips through the small towns and villages of Maine, slowing the truck drivers down and endangering the citizens of our towns and villages; and

WHEREAS, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate Highway System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ.

On motion by Senator **BENNETT** of Oxford, **REFERRED** to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

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

Pursuant to Joint Rule 371, the Chair appointed the following Senators to serve on the Government Oversight Committee:

Senator **GAGNON** of Kennebec
Senator **TREAT** of Kennebec
Senator **DAGGETT** of Kennebec
Senator **MITCHELL** of Penobscot
Senator **LEMONT** of York
Senator **CARPENTER** of York

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

Senator **MAYO** of Sagadahoc 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.

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Wednesday, February 25, 2004, at 10:00 in the morning.