

MAINE STATE LEGISLATURE

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

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First Regular Session
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Pages 1 - 714

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

In Senate Chamber
Tuesday
January 14, 2003

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

Prayer by Reverend Lily James, Riverview Community
Congregational Parish in Gardiner.

REVEREND JAMES: Let us pray. Our Father, who created and sustains all things, we come before You today, at this moment of prayer. With humble hearts, we recognize that without Your divine inspiration we can accomplish very little.

As we continue in the adjustments of this new year with new leadership, may we be ever mindful of the privilege to represent our communities in this assembly. May those who serve their neighbors in this gathering be inspired to seek justice and truth, to fight for the causes that save lives, and protect the freedoms of the individuals within our state.

We ask You to bless these honorable men and women that are gathered here to serve their state with wisdom and perseverance as they discharge their duties. Grant to the members of this body, and to their staff, the courage to make the proceedings of this Senate meaningful and give them strength to shoulder the awesome responsibilities they face.

Remind us, O God, that You are always near. Your light gives us direction to walk the journey You have set before each of us. Help us to heed Your gentle guiding hand and to realize that sometimes You are there to carry us through the darkest hours of life and decisions.

We ask now for Your enlightenment in all of the issues to be handled today and every day, that Your omniscient will would have sway and great things will be accomplished for our communities, for Maine, and for our nation. We ask all these things in Your holy name. Amen.

Pledge of Allegiance led by Senator David L. Carpenter of York County.

Doctor of the day, Jeff Maher, M.D., Mere Point Family Practice of Bath.

Reading of the Journal of Thursday, January 9, 2003.

COMMUNICATIONS

The Following Communication: H.C. 14

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

January 14, 2003

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

Dear Secretary O'Brien:

On January 8, 2003 the Speaker appointed the following Representatives to the Joint Select Committee on the Gubernatorial Vote on the part of the House:

Representative McLAUGHLIN of Cape Elizabeth
Representative BUNKER of Kossuth Township
Representative BARSTOW of Gorham
Representative KETTERER of Madison
Representative SUSLOVIC of Portland
Representative PEAVEY-HASKELL of Greenbush
Representative CROSTHWAITE of Ellsworth
Representative BOWEN of Rockport
Representative STONE of Berwick
Representative SUKEFORTH of Union

On January 8, 2003 the Speaker appointed a Committee to wait upon the Honorable JOHN ELIAS BALDACCI, and inform him he had been duly elected Governor of the State of Maine for the political years 2003, 2004, 2005 and 2006, the following Representatives on the part of the House:

Representative COWGER of Hallowell
Representative GAGNE-FRIEL of Buckfield
Representative GOODWIN of Pembroke
Representative MAILHOT of Lewiston
Representative BERRY of Belmont
Representative HONEY of Boothbay
Representative O'BRIEN of Augusta
Representative MOORE of the Passamaquoddy Tribe

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Ensure that Child Labor Laws Apply to Public Sector Employers"

S.P. 20 L.D. 34

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Senators: BRYANT of Oxford, ROTUNDO of Androscoggin,
Representative: EDER of Portland.

REFERRED to the Committee on **LABOR** and ordered printed.

Ordered sent down forthwith for concurrence.

**Pursuant to Statutes
Workers' Compensation Board**

Senator EDMONDS for the **Workers' Compensation Board**, pursuant to Maine Revised Statutes, Title 39-A, section 152, subsection 11 asked leave to report that the accompanying Bill "An Act To Increase the Assessment on Workers' Compensation Insurance To Fund the Workers' Compensation Board Administrative Fund"

S.P. 21 L.D. 35

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

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

REFERRED to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Establish a Seamless Strategic Drug Abuse Model for Addressing Criminal Enforcement, Treatment, Education and Public Advocacy within Washington County"

H.P. 38 L.D. 31

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed, in concurrence.

Bill "An Act to Establish a Visual and Performing Arts Position for the Department of Education"

H.P. 20 L.D. 13

Bill "An Act Authorizing the University of Maine System to Enter into Cooperative Agreements with Local Law Enforcement Agencies"

H.P. 30 L.D. 23

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond"

H.P. 32 L.D. 25

Bill "An Act to Create the Maine Youth Conservation Wildlife Management Area"

H.P. 33 L.D. 26

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act to Provide a 5% Increase in the State's Contribution for Insurance for Retired Teachers"

H.P. 39 L.D. 32

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **GAGNON** of Kennebec, **TABLED 1** Legislative Day, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Papers

An Act to Ensure Full Disclosure of the Source of Water Sold in Containers

H.P. 28 L.D. 21

Bill "An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill"

H.P. 37 L.D. 30

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act to Create the State Government Information Clearinghouse"

H.P. 31 L.D. 24

Resolve, Directing the Maine Historic Preservation Commission to Develop a Database of Historic or At-risk Areas and Sites in the State

H.P. 34 L.D. 27

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase the Income Tax Deduction on Private, Public and Military Pensions from \$6,000 to \$10,000"

H.P. 23 L.D. 16

Bill "An Act to Increase the Homestead Property Tax Exemption From \$7,000 to \$20,000"

H.P. 24 L.D. 17

Bill "An Act to Expand the Sales Tax"

H.P. 29 L.D. 22

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Eliminate the Telephone Service Tax Dedicated to Libraries and Schools"

H.P. 36 L.D. 29

Committee on **TAXATION** suggested and ordered printed.

Come from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Enhance School Zone Safety"

H.P. 19 L.D. 12

Resolve, to Designate the Interstate 95 From Augusta to Houlton as the Purple Heart Highway

H.P. 21 L.D. 14

Bill "An Act to Add the Steel Bridge in New Sharon to the State's List of Historic Bridges"

H.P. 22 L.D. 15

Resolve, to Rename the Mud Pond Inlet Bridge

H.P. 35 L.D. 28

Bill "An Act to Repeal the Annual Indexing of Motor Fuel Taxes"

H.P. 40 L.D. 33

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Public Law
Joint Standing Committee on Judiciary**

The **Joint Standing Committee on Judiciary** pursuant to Public Law 2001, chapter 383, section 155 asked leave to report that the accompanying Bill "An Act to Make Corrections to Laws in Conflict with MCJUSTIS Changes" (EMERGENCY)

H.P. 25 L.D. 18

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Public Law
Health Care System and Health Security Board**

The **Health Care System and Health Security Board** pursuant to Public Law 2001, chapter 439, Part ZZZ, section 1 asked leave to report that the accompanying Bill "An Act to Extend the Authority of the Health Care System and Health Security Board" (EMERGENCY)

H.P. 27 L.D. 20

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **BANKING AND INSURANCE** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
Workers' Compensation Board**

The **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asked leave to report that the accompanying Bill "An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund"

H.P. 16 L.D. 9

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Workers' Compensation Board**

The **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asked leave to report that the accompanying Bill "An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992"

H.P. 17 L.D. 10

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statutes
Maine State Retirement System**

The **Maine State Retirement System** pursuant to the Maine Revised Statutes, Title 5, section 17103, subsection 13 asked leave to report that the accompanying Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2004" (EMERGENCY)

H.P. 18 L.D. 11

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statutes
Department of Administrative and Financial Services**

The **Department of Administrative and Financial Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementation of the State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a Major Substantive Rule of the Department of Administrative and Financial Services (EMERGENCY)

H.P. 26 L.D. 19

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

The President appointed the Senator from Kennebec, Senator **TREAT**, to serve as President Pro Tem for the session on Thursday, January 16, 2003.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, January 16, 2003, at 10:00 in the morning.