

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
Friday
February 14, 2003

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

Prayer by Senator Chandler E. Woodcock of Franklin County.

SENATOR WOODCOCK: Good morning. Let us pray. Father, we ask this morning that You would be with the members of this body as they go about their business for the people of the State of Maine. We would also ask that You would be with them as individuals as they go about the business of their families, friends, relations, and communities. We are always mindful of the heavy burdens that we carry. We are always mindful of the heavy burdens of others. We would ask, during this particularly cold stretch of this Maine winter, that You would ease the burdens of those who have been most affected by this long, cold spell.

We ask Father, for forgiveness for all of the situations that we have placed ourselves in, that might be counter to Your wishes. We would ask a particular blessing this morning for all those who are in need, are in the hospitals, are in need of care for whatever reason it might be, are hungry or lack shelter. Our concern is for the people of our state, from the very north to the very south, to the very east to the very west, which we represent in this body. We ask all these things in Your name, recognizing that everything that we have has come from You. In Your name we pray. Amen.

Doctor of the day, Andrea Brown, M.D. of Portland.

Reading of the Journal of Tuesday, February 11, 2003.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **TREAT** of Kennebec, the following Joint Order:
S.P. 256

ORDERED, the House concurring, that when the House and
Senate adjourn, they do so until Tuesday, February 18, 2003, at
10:00 in the morning.

READ and **PASSED**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill
"An Act Eliminating the Receipt by the Maine Veterans' Homes of
Any Reimbursement from the MaineCare Program for the Costs
of Renovating the Existing 120-bed Maine Veterans' Homes
Nursing Facility in Augusta" (EMERGENCY)

H.P. 293 L.D. 373

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-10)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-10)**.

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

READ ONCE.

Committee Amendment "A" (H-10) **READ** and **ADOPTED**, in
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-10)**, in concurrence

Ordered sent forthwith to the Engrossing Division.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Promote Corporate Ethics"

S.P. 183 L.D. 543

In Senate, February 6, 2003, on motion by Senator **BROMLEY** of
Cumberland, **REFERRED** to the Committee on **BUSINESS,
RESEARCH AND ECONOMIC DEVELOPMENT** and ordered
printed.

Comes from the House, **REFERRED** to the Committee on
JUDICIARY and ordered printed, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Clarify Ownership Rights to Repossessed Vehicles"

S.P. 148 L.D. 430

In Senate, February 4, 2003, on motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

JOINT RESOLUTION - relative to requesting the President of the United States to Support Full Pursuit of Diplomatic Resolutions and Weapons Inspections

S.P. 163

In Senate, February 4, 2003, on motion by Senator **STRIMLING** of Cumberland, **READ** and **ADOPTED**.

Comes from the House, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-8) AS AMENDED BY HOUSE AMENDMENT "A" (H-9)** thereto, in **NON-CONCURRENCE**.

Senator **STRIMLING** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECEDE** and **CONCUR**.

House Papers

Bill "An Act To Eliminate a Defunct Account in the Department of Agriculture, Food and Rural Resources" (EMERGENCY)

H.P. 433 L.D. 570

Resolve, To Allow Public Camping on Number 9 Lake in Aroostook County

H.P. 450 L.D. 620

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 To Fund Renovating or Replacing Civic Centers Statewide"

H.P. 445 L.D. 582

Bill "An Act To Provide Funding for a Superior Court Building in Washington County"

H.P. 457 L.D. 627

Bill "An Act To Provide Funding for the Maine-Canada Trade Ombudsman"

H.P. 464 L.D. 634

Bill "An Act To Improve Technology Funding"

H.P. 480 L.D. 650

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Economic Development"

H.P. 482 L.D. 652

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act Concerning the Fair Application of the Mechanic's Lien Laws"

H.P. 443 L.D. 580

Bill "An Act To Allow the Practice of Optometry on the Same Premises As an Optical Shop or Other Establishment"

H.P. 479 L.D. 649

Bill "An Act To Create Economic Development Zones" (EMERGENCY)

H.P. 493 L.D. 663

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act Creating Residency Requirements for Sexually Violent Predators"

H.P. 465 L.D. 635

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Resolve, Directing the Department of Education to Use Money for School Transportation Costs for Payment of School Crossing Guards

H.P. 454 L.D. 624

Resolve, Directing the Department of Education To Develop Standards for Outdoor Playground Surfaces

H.P. 458 L.D. 628

Bill "An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs"

H.P. 471 L.D. 641

Bill "An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees"

H.P. 483 L.D. 653

Bill "An Act To Create the Maine Humanities Authority"

H.P. 490 L.D. 660

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Strengthen the Maine Certificate of Need Act of 2002"

H.P. 447 L.D. 584

Bill "An Act to Establish a Statewide Primary and Preventive Health Care Program"

H.P. 448 L.D. 585

Resolve, To Establish a Committee To Examine the Cost-effectiveness of the State Long-term Care Assessment System

H.P. 452 L.D. 622

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act to Ensure Equality in Mental Health Coverage"

H.P. 429 L.D. 566

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

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Increase the Collection of Child Support"

H.P. 459 L.D. 629

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

Come from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Increase Fish Stocking in Aroostook County"

H.P. 428 L.D. 565

Bill "An Act To Allow the Use of All Deer Parts"

H.P. 456 L.D. 626

Bill "An Act To Prohibit Personal Watercraft on Lake St. George in the Town of Liberty"

H.P. 477 L.D. 647

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Prohibit Mandatory Arbitration in Health Carrier Contracts"

H.P. 460 L.D. 630

Bill "An Act To Amend the Laws Governing Privacy of Consumer Financial Information"

H.P. 491 L.D. 661

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act Requiring Payment of Child Support by Incarcerated Individuals"

H.P. 444 L.D. 581

Bill "An Act To Clarify and Improve the Fairness of the Law of Trustee Process"

H.P. 449 L.D. 586

Bill "An Act To Repeal the Forest Products Antitrust Exemption"

H.P. 487 L.D. 657

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Encourage Workers' Compensation Dispute Resolutions"

H.P. 438 L.D. 575

Bill "An Act To Improve the Operation of the Workers' Compensation Board"

H.P. 488 L.D. 658

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

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

Bill "An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife"

H.P. 441 L.D. 578

Bill "An Act Regarding the Sale of Hard Cider"

H.P. 455 L.D. 625

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

H.P. 470 L.D. 640

Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

H.P. 472 L.D. 642

Bill "An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses"

H.P. 486 L.D. 656

Bill "An Act To Standardize Reporting Requirements for PACs, Parties and Independent Electioneering Expenditures"

H.P. 489 L.D. 659

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

Bill "An Act Clarifying Municipalities' Authority to Assign Mooring Permits"

H.P. 478 L.D. 648

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Amend Shoreline Zoning"

H.P. 453 L.D. 623

Bill "An Act to Establish a Process to Classify Water Bodies as Impaired"

H.P. 462 L.D. 632

Bill "An Act To Provide for Local Approval of Existing or Former Hydropower Projects To Enable Prioritization of Renewable Indigenous Energy Generation in Maine"

H.P. 463 L.D. 633

Bill "An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth" (EMERGENCY)

H.P. 475 L.D. 645

Bill "An Act To Address Reporting of Certain Low-quantity Oil Releases"

H.P. 481 L.D. 651

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

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Resolve, To Study the Impact of a Statewide System for the Electronic Filing of Deeds

H.P. 431 L.D. 568

Bill "An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations"

H.P. 461 L.D. 631

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Prohibit Government-subsidized Competition with Lodging Establishments"

H.P. 430 L.D. 567

Bill "An Act To Restrict a School District from the Wholesale Attachment of Personal Property if a Town Defaults on Its School Commitment"

H.P. 435 L.D. 572

Bill "An Act To Provide Property Tax Relief to Elderly Maine Citizens"

H.P. 436 L.D. 573

Bill "An Act To Provide a Property Tax Exemption for Parents Whose Children Attend a Private Elementary or Secondary School"

H.P. 442 L.D. 579

Bill "An Act To Amend the Laws Governing the Deduction of Pensions, Retirement Benefits and other Income from State Income Tax"

H.P. 446 L.D. 583

Bill "An Act To Provide a Property Tax Exemption to All Veterans of the United States Armed Forces"

H.P. 473 L.D. 643

Bill "An Act To Establish a Flat Tax Rate for the Maine Income Tax"

H.P. 484 L.D. 654

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

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Off Record Remarks

Bill "An Act To Improve the Safety of Public Roads"

H.P. 434 L.D. 571

Bill "An Act Concerning the Use of Safety Rear View Mirrors"

H.P. 439 L.D. 576

Bill "An Act To Increase the Debt Limit of the Rockland Port District"

H.P. 451 L.D. 621

Bill "An Act To Enhance the Visibility of Pedestrian Crosswalks"

H.P. 467 L.D. 637

Bill "An Act To Assist Low-income Families To Comply with the Booster Seat Law" (EMERGENCY)

H.P. 474 L.D. 644

Bill "An Act To Increase the Payment for State Police Services on the Maine Turnpike"

H.P. 492 L.D. 662

Bill "An Act To Make Changes to the Laws Governing the Tax on Motor Fuel"

H.P. 494 L.D. 664

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

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act To Improve Highway Safety Regarding Methadone"

H.P. 466 L.D. 636

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

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Discourage Driving While under the Influence of Methadone"

H.P. 468 L.D. 638

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

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Allow the Secretary of State To Issue Restricted Licenses for Work Purposes for Drivers with 2 or Fewer Operating-under-the-Influence Convictions"

H.P. 476 L.D. 646

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

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Allow the Public Utilities Commission To Exempt Certain Telephone Utilities from the Requirement To Obtain Approval for Special Contracts"

H.P. 432 L.D. 569

Bill "An Act To Facilitate Access to Dial-up Internet Service for Telephone Customers throughout the State"

H.P. 440 L.D. 577

Bill "An Act To Ensure Accurate Electric Rates for the Ski Industry"

H.P. 469 L.D. 639

Bill "An Act To Revise the Charter of the Brunswick Sewer District"

H.P. 485 L.D. 655

Come 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.

Joint Resolution

The following Joint Resolution:

H.P. 495

JOINT RESOLUTION EXPRESSING SUPPORT FOR ADHERENTS OF FALUN Dafa

WHEREAS, Falun Dafa, also known as Falun Gong, is an ancient Chinese practice based on the universal principals of truthfulness, compassion and forbearance; and

WHEREAS, Falun Dafa is a system of gentle exercise and meditation to refine and improve the body, mind and spirit; and

WHEREAS, this practice, which transcends all cultural, social, economic and national boundaries, raises moral quality by promoting the practice of truth, kindness and tolerance in daily life; and

WHEREAS, Falun Dafa has helped millions of practitioners in over 55 countries create personal well-being and become more productive members of society; and

WHEREAS, the government of the People's Republic of China has outlawed the practice of Falun Dafa in China and has

created a campaign of persecution and terror against its peaceful adherents; and

WHEREAS, this brutal crackdown on the practitioners of Falun Dafa denies the basic human rights of freedom of belief, assembly and expression; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, declare our support for the Falun Dafa movement and its followers by proclaiming March 2003 as Falun Dafa Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be displayed at the Office of the Secretary of State on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 255

STATE OF MAINE 121ST MAINE LEGISLATURE

January 23, 2003

Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on
Criminal Justice and Public Safety
Rep. George H. Bunker, Jr.
House Chair, Joint Standing Committee on
Criminal Justice and Public Safety
121st Legislature
Augusta, ME 04333

Dear Senator Strimling and Representative Bunker:

Please be advised that Governor John E. Baldacci has nominated Michael Cantara of Biddeford as Commissioner of the Department of Public Safety.

Pursuant to Title 25, M.R.S.A., §2901, 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: S.C. 42

**MAINE LEGISLATIVE YOUTH
ADVISORY COUNCIL**

February 11, 2003

The Honorable Beverly C. Daggett, President
The Honorable Patrick Colwell, Speaker
121st Maine Legislature
State House
Augusta, ME 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Maine Legislative Youth Advisory Council has submitted the attached report to the Legislative Council pursuant to Public Law 2001, chapter 436, Part PPP. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Representative Rosaire Paradis, Co-chair

S/Molly Feeney, Co-chair

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

The Following Communication: S.C. 43

**COMMISSION TO ARRANGE FOR A PLAQUE OR PLAQUES
AND A FLAG OR FLAGS TO BE DISPLAYED IN THE HALL OF
FLAGS IN THE STATE HOUSE TO HONOR THE MAINE
VETERANS OF WORLD WAR II AND THE KOREAN WAR**

February 11, 2003

The Honorable Beverly C. Daggett, President
The Honorable Patrick Colwell, Speaker
121st Maine Legislature
State House
Augusta, ME 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War has completed its work and submitted its report including recommended legislation pursuant to Resolve 2001, Chapter 113. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Kenneth T. Gagnon, Co-chair

S/Representative Charles D. Fisher, Co-chair

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

The Following Communication: S.C. 44

**STATE HOUSE AND CAPITOL PARK COMMISSION
AUGUSTA, MAINE 04333**

February 13, 2003

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

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the State House and Capitol Park Commission has submitted the attached final report on the Establishment of a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001, Tragedy to the Legislative Council pursuant to Resolve 2001, Chapter 110. Copies of the report have been placed on file with the Law and Legislative Reference Library. Copies will be transmitted to the Joint Standing Committee on State and Local Government.

Sincerely,

S/Earle G. Shettleworth, Jr., Chair
State House and Capitol Park Commission

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Establish the Allagash Waterway Advisory Council"

S.P. 252 L.D. 714

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Representative CLARK of Millinocket.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$6,000,000 To Enable LifeFlight of Maine to Fully Implement a Statewide, Dedicated Air-medical Response System"

S.P. 241 L.D. 677

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representative MAILHOT of Lewiston and
Senators: BRYANT of Oxford, CATHCART of Penobscot, DAVIS
of Piscataquis, Representatives: Speaker COLWELL of Gardiner,
DUPLESSIE of Westbrook, JODREY of Bethel, MILLETT of
Waterford, PINGREE of North Haven.

Bill "An Act To Continue Necessary State Funding of
Freestanding, Nonprofit Psychiatric Hospitals for Services
Provided to Indigent Patients and for Other Purposes"
(EMERGENCY)

S.P. 254 L.D. 716

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: CATHCART of Penobscot, President
DAGGETT of Kennebec, Representatives: DUDLEY of Portland,
KANE of Saco, RICHARDSON of Brunswick.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED**
to the Committee on **APPROPRIATIONS AND FINANCIAL**
AFFAIRS and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow Limited Sunday Sales of Automobiles"

S.P. 246 L.D. 708

Sponsored by Senator NASS of York.

Bill "An Act To Amend the Membership of the Plumbers'
Examining Board"

S.P. 248 L.D. 710

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative PATRICK of Rumford and
Senators: EDMONDS of Cumberland, HATCH of Somerset,
Representatives: DUDLEY of Portland, DUPLISSIE of
Westbrook, HATCH of Skowhegan, PINEAU of Jay, WHEELER
of Kittery.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to
the Committee on **BUSINESS, RESEARCH AND ECONOMIC**
DEVELOPMENT and ordered printed.

Sent down for concurrence.

Bill "An Act To Suspend Driving Privileges of Drivers Who Were
Cited Twice Within One Year for Driving To Endanger"

S.P. 243 L.D. 705

Sponsored by Senator BENNETT of Oxford.

Cosponsored by Senator: DAMON of Hancock, Representatives:
GAGNE-FRIEL of Buckfield, HEIDRICH of Oxford, MILLETT of
Waterford.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **CRIMINAL JUSTICE AND PUBLIC**
SAFETY and ordered printed.

Sent down for concurrence.

Bill "An Act to Assist Visual Care Providers in the State"

S.P. 253 L.D. 715

Sponsored by Senator STANLEY of Penobscot.
Cosponsored by Representative PARADIS of Frenchville and
Senators: HATCH of Somerset, KNEELAND of Aroostook,
Representatives: CARR of Lincoln, DAVIS of Falmouth,
GOODWIN of Pembroke, HATCH of Skowhegan.

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

Sent down for concurrence.

Resolve, To Lower the Costs of Prescription Drugs through the
Use of the Federal Public Health Service Act

S.P. 249 L.D. 711

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative KANE of Saco and Senators:
DAMON of Hancock, HATCH of Somerset, MAYO of Sagadahoc,
Representatives: LEMOINE of Old Orchard Beach, McNEIL of
Rockland, SMITH of Monmouth.

Bill "An Act to Support Health Care Safety Net Programs"

S.P. 251 L.D. 713

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senator: BRENNAN of Cumberland,
Representatives: DUDLEY of Portland, DUGAY of Cherryfield.

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

Sent down for concurrence.

Bill "An Act Regarding Mortuary Trusts"

S.P. 240 L.D. 676

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative SULLIVAN of Biddeford.

Bill "An Act To Extend Participation in the State's Group Health Plan"

S.P. 250 L.D. 712

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senator: DOUGLASS of Androscoggin,
Representatives: CANAVAN of Waterville, COWGER of
Hallowell, DUDLEY of Portland, PERRY of Calais, PERRY of
Bangor.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Allow Copies of E-9-1-1 Tapes To Be Admitted
into Evidence"

S.P. 239 L.D. 675

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senators: CATHCART of Penobscot,
DOUGLASS of Androscoggin, ROTUNDO of Androscoggin,
Representative: SULLIVAN of Biddeford.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED**
to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Allow Certain Employees of the Maine Technical
College System To Amend Their Retirement System Election"

S.P. 236 L.D. 672

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Senators: BROMLEY of Cumberland, STANLEY
of Penobscot, Representatives: HATCH of Skowhegan, HUTTON
of Bowdoinham, JACKSON of Fort Kent, PATRICK of Rumford.

Bill "An Act To Increase Maine's Minimum Wage"
S.P. 237 L.D. 673

Sponsored by Senator HATCH of Somerset.
Cosponsored by Representative PATRICK of Rumford and
Representatives: BLANCHETTE of Bangor, HATCH of
Skowhegan, NORTON of Bangor, PINEAU of Jay.

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to
the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act To Require Winners of State and Congressional
Elections to Receive a Simple Majority of the Total Vote"
S.P. 238 L.D. 674

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative CLARK of Millinocket and
Senators: GAGNON of Kennebec, LEMONT of York,
Representative: PATRICK of Rumford.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to
the Committee on **LEGAL AND VETERANS AFFAIRS** and
ordered printed.

Sent down for concurrence.

Bill "An Act Regarding the Disposal of Sludge"
S.P. 234 L.D. 670

Sponsored by Senator HALL of Lincoln.
Cosponsored by Senators: DAMON of Hancock, TREAT of
Kennebec, Representative: GERZOFKY of Brunswick.

Bill "An Act To Require the Department of Environmental
Protection To Develop and Implement an Eradication Plan for
Invasive Aquatic Plants"

S.P. 245 L.D. 707

Sponsored by Senator NASS of York.
Cosponsored by Representative JACOBSEN of Waterboro.

Bill "An Act To Require Public Hearings prior to State Agreements
for Dam Removal" (EMERGENCY)

S.P. 247 L.D. 709

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative FLETCHER of Winslow and
Senators: President DAGGETT of Kennebec, WESTON of
Waldo, Representatives: BLISS of South Portland, CRESSEY of
Baldwin, HATCH of Skowhegan, MOODY of Manchester,
NUTTING of Oakland.

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

Sent down for concurrence.

Bill "An Act To Create an Income Tax Credit for Premiums Paid
for Health Insurance"

S.P. 244 L.D. 706

Sponsored by Senator STANLEY of Penobscot.
Cosponsored by Representative PARADIS of Frenchville and
Senators: BRYANT of Oxford, HATCH of Somerset,
Representatives: DAVIS of Falmouth, GOODWIN of Pembroke.

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to
the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity

S.P. 232 L.D. 668

Sponsored by Senator HALL of Lincoln.

Bill "An Act To Strengthen the Energy Resources Council"

S.P. 233 L.D. 669

Sponsored by Senator HALL of Lincoln.

Bill "An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State"

S.P. 235 L.D. 671

Sponsored by Senator HALL of Lincoln.

Cosponsored by Representatives: BERRY of Belmont, BLISS of South Portland.

Bill "An Act To Amend the Charter of the Lubec Water and Electric District" (EMERGENCY)

S.P. 242 L.D. 678

Sponsored by Senator SHOREY of Washington.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Ensure that Child Labor Laws Apply to Public Sector Employers"

S.P. 20 L.D. 34

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

COMMUNICATIONS

The Following Communication: S.C. 45

121ST LEGISLATURE JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

February 12, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Michael Cantara of Biddeford, for appointment as the Commissioner of the Department of Public Safety.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Strimling of Cumberland, Carpenter of York, Hatch of Somerset
	Representatives	8	Bunker of Kossuth Township, Blanchette of Bangor, Churchill of Washburn, Gerzofsky of Brunswick, Greeley of Levant, Grose of Woolwich, Lessard of Topsham, Snowe-Mello of Poland
NAYS		0	
ABSENT		2	Rep. Maietta of South Portland, Rep. Sykes of Harrison

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael Cantara of Biddeford, for appointment as the Commissioner of the Department of Public Safety be confirmed.

Signed,

S/Ethan Strimling
Senate Chair

S/George H. Bunker, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#17)

YEAS: Senators: None

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

ABSENT: Senators: BRENNAN, BRYANT, CATHCART, LAFOUNTAIN, MARTIN, WESTON, YOUNGBLOOD

No Senator having voted in the affirmative and 28 Senators having voted in the negative, with 7 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael Cantara** of Biddeford, for appointment as the Commissioner of the Department of Public Safety was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta

H.P. 293 L.D. 373
(C "A" H-10)

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

Senator **ROTUNDO**: Thank you, Madame President, men and women of the Senate. I did want to call your attention to the fact that the Committee on Appropriations and Financial Affairs has discussed this matter and has voted to exempt this matter from the Appropriations Table. Thank you.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Senator **DOUGLASS** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 18, 2003, at 10:00 in the morning.