

MAINE STATE LEGISLATURE

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

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

In Senate Chamber
Tuesday
March 18, 2003

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

Prayer by Reverend Carl Geores, Presbyterian Mission at the
Eastward in Monmouth.

REVEREND GEORES: As we begin this day, let us remember
the words of our President last night. The United States is at the
brink of war. Let us join in prayer for our country, for the world,
for the people of Iraq, the service men and women, and their
families. Let us begin with a silent prayer.

God of our fathers and mothers, we look to You for guidance
and direction. Our challenges are many, the needs are great, and
the resources are scarce. Increase our wisdom and help us to
have open minds and a realistic appraisal of the challenges that
face the people of this state. In our decision making, help us be
fair, just, and compassionate for all the people of Maine. Amen.

Off Record Remarks

Pledge of Allegiance led by Senator Christopher G. L. Hall of
Lincoln County.

Reading of the Journal of Thursday, March 13, 2003.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Educators for Maine Program"
H.P. 985 L.D. 1340

Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on
EDUCATION AND CULTURAL AFFAIRS.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 94

**STATE OF MAINE
121ST MAINE LEGISLATURE**

March 10, 2003

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Madam Secretary:

Pursuant to our authority under M.R.S.A. Title 38, § 420-B, we
are pleased to appoint Representative Judd Thompson of China
to serve as a member of the Surface Water Ambient Toxics
Monitoring Program Technical Advisory Board.

Should you have any questions regarding this appointment
please feel free to contact us.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Limit the Growth of Government Spending"
S.P. 453 L.D. 1383

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative BRUNO of Raymond and
Senators: DAVIS of Piscataquis, NASS of York, WOODCOCK of
Franklin, Representative: BOWLES of Sanford.

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

Sent down for concurrence.

Bill "An Act To Establish the Pine Tree Development Zones Program"

S.P. 456 L.D. 1385

Sponsored by Senator BROMLEY of Cumberland.
(GOVERNOR'S BILL)

Under suspension of the rules, cosponsored by Representative SULLIVAN of Biddeford and Senators: President DAGGETT of Kennebec, DAVIS of Piscataquis, EDMONDS of Cumberland, GAGNON of Kennebec, HALL of Lincoln, HATCH of Somerset, MARTIN of Aroostook, SHOREY of Washington, STANLEY of Penobscot, TREAT of Kennebec, WOODCOCK of Franklin, Representatives: ASH of Belfast, AUSTIN of Gray, BARSTOW of Gorham, BERUBE of Lisbon, CARR of Lincoln, CLARK of Millinocket, Speaker COLWELL of Gardiner, DUDLEY of Portland, DUPLESSIE of Westbrook, DUPREY of Medway, EARLE of Damariscotta, FINCH of Fairfield, FISCHER of Presque Isle, FLETCHER of Winslow, GERZOFISKY of Brunswick, GOODWIN of Pembroke, GREELEY of Levant, HATCH of Skowhegan, HOTHAM of Dixfield, JACKSON of Fort Kent, JACOBSEN of Waterboro, JOY of Crystal, LAVERRIERE-BOUCHER of Biddeford, LERMAN of Augusta, MARLEY of Portland, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MOORE of the Passamaquoddy Tribe, O'BRIEN of Lewiston, PELLON of Machias, PERRY of Calais, PINGREE of North Haven, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Brunswick, ROGERS of Brewer, SHERMAN of Hodgdon, SHIELDS of Auburn, SMITH of Monmouth, THOMPSON of China, USHER of Westbrook.

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

Sent down for concurrence.

Bill "An Act To Establish the Maine Community College System"
S.P. 450 L.D. 1369

Sponsored by President DAGGETT of Kennebec.
(GOVERNOR'S BILL)

Under suspension of the rules, cosponsored by Speaker COLWELL of Gardiner and Senators: BENNETT of Oxford, BLAIS of Kennebec, BROMLEY of Cumberland, BRYANT of Oxford, CARPENTER of York, DAMON of Hancock, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, MAYO of Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, SAVAGE of Knox, SAWYER of Penobscot, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot, Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BERRY of Belmont, BERUBE of Lisbon, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BROWNE of Vassalboro, BRUNO of Raymond, BUNKER of

Kossuth Township, CANAVAN of Waterville, CARR of Lincoln, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COURTNEY of Sanford, COWGER of Hallowell, CUMMINGS of Portland, DAIGLE of Arundel, DAVIS of Falmouth, DUDLEY of Portland, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Medway, EARLE of Damariscotta, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, GAGNE-FRIEL of Buckfield, GOODWIN of Pembroke, HEIDRICH of Oxford, HONEY of Boothbay, HUTTON of Bowdoinham, JACKSON of Fort Kent, JODREY of Bethel, KAELEN of Winterport, KANE of Saco, KETTERER of Madison, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LEWIN of Eliot, MAILHOT of Lewiston, MARLEY of Portland, McCORMICK of West Gardiner, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MOODY of Manchester, MURPHY of Kennebunk, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PEAVEY-HASKELL of Greenbush, PELLON of Machias, PERCY of Phippsburg, PERRY of Calais, PERRY of Bangor, PINEAU of Jay, PINGREE of North Haven, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RINES of Wiscasset, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SULLIVAN of Biddeford, SUSLOVIC of Portland, THOMAS of Orono, THOMPSON of China, TOBIN of Dexter, TRAHAN of Waldoboro, TREADWELL of Carmel, USHER of Westbrook, VAUGHAN of Durham, WHEELER of Kittery.

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 Student Loan Forgiveness to Maine Employees"

S.P. 455 L.D. 1384

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative CUMMINGS of Portland and Senators: BRENNAN of Cumberland, HATCH of Somerset.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

On motion by Senator **DOUGLASS** of Androscoggin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

S.P. 449 L.D. 1361

Sponsored by Senator GAGNON of Kennebec.

Under suspension of the rules, cosponsored by Representative CLARK of Millinocket and Senators: CATHCART of Penobscot, President DAGGETT of Kennebec, HATCH of Somerset, MITCHELL of Penobscot, Representatives: BOWLES of Sanford, BRUNO of Raymond, BRYANT-DESCHENES of Turner, Speaker COLWELL of Gardiner, DUNLAP of Old Town, DUPLESSIE of Westbrook, GERZOFKY of Brunswick, JENNINGS of Leeds, LEWIN of Eliot, McGOWAN of Pittsfield, PERRY of Bangor, RICHARDSON of Brunswick, TARDY of Newport, USHER of Westbrook.

Bill "An Act To Regulate the Landlord-tenant Relationship"

S.P. 451 L.D. 1381

Sponsored by Senator STRIMLING of Cumberland.

Cosponsored by Representative SIMPSON of Auburn and Senators: BRENNAN of Cumberland, BROMLEY of Cumberland, CATHCART of Penobscot, DAMON of Hancock, HATCH of Somerset, Representatives: DUDLEY of Portland, PINGREE of North Haven, SUSLOVIC of Portland.

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 To Increase the Trap Limit for Swan's Island to the Maximum Lobster Traps Allowed in Federal Waters of Zone B"

S.P. 452 L.D. 1382

Sponsored by Senator DAMON of Hancock.

Bill "An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses"

S.P. 457 L.D. 1387

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative BULL of Freeport. Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act To Expand the Mission of the Marine Patrol"

S.P. 458 L.D. 1388

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative McNEIL of Rockland and Representative: BULL of Freeport. Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act To Create a Marine Harvesting Demonstration License"

S.P. 459 L.D. 1389

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative BULL of Freeport.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Create a No-contact List and Prohibit Unsolicited E-mail"

S.P. 448 L.D. 1360

Sponsored by Senator DOUGLASS of Androscoggin.

Cosponsored by Senator: BROMLEY of Cumberland, Representatives: GAGNE-FRIEL of Buckfield, LUNDEEN of Mars Hill, MOODY of Manchester, NORTON of Bangor, RINES of Wiscasset.

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority"

S.P. 212 L.D. 603

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BRYANT for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Temporary Emergency Relief to Maine Dairy Farmers" (EMERGENCY)

S.P. 202 L.D. 593

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-1)**.

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

READ ONCE.

Committee Amendment "A" (S-1) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-1)**.

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Relating to Unemployment Compensation"

S.P. 40 L.D. 117

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-2)**.

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan
PATRICK of Rumford
WATSON of Bath
JACKSON of Fort Kent

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin
NUTTING of Oakland
HEIDRICH of Oxford

Reports **READ**.

Senator **EDMONDS** of Cumberland 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.

SECOND READERS

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

House

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

H.P. 33 L.D. 26

Bill "An Act to Reenact Standards for Road Construction for Forest Management Activities"

H.P. 262 L.D. 319

Bill "An Act to Enhance Integration of Transportation and Land Use Planning"

H.P. 355 L.D. 463

Bill "An Act To Repeal the Crime of Plundering at Fires as Larceny"

H.P. 534 L.D. 728

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

ENACTORS

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

Acts

An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary

H.P. 125 L.D. 166

An Act To Eliminate the Restriction on Municipal Investment of Trust Funds

H.P. 221 L.D. 278

An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process

H.P. 406 L.D. 521

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

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.

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, March 19, 2003, at 10:00 in the morning.