

MAINE STATE LEGISLATURE

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

Volume 1

First Regular Session
December 4, 2002 to May 20, 2003

Pages 1 - 714

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

In Senate Chamber
Wednesday
March 26, 2003

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

Prayer by Pastor James Wiley, Church Hill Baptist Church in
Augusta.

PASTOR WILEY: Let us pray. Lord, we are so thankful this morning for the new day that You have given. God, I know that each day is a gift from You and we are so thankful for Your many blessings. Lord, heavy in our hearts today are our troops, our men and women that are so bravely serving our country overseas. God, I just pray that You would protect them. God, I just pray that Your hand of might would go before them as they go to liberate a people. God, there are hurting families even now, as death has found its way into our state, as Marines from our own state have gone into eternity. God, I just pray that you be with those families. God, there may be people here that represent loved ones who have friends that are over in a land so far away. God, I just pray that You would give them courage, give them comfort in Your word. God, I just pray that You would give us swift victory. God, as these men and women assemble today to make decisions for our great state, I just pray, God, that You will give them wisdom. I pray You give them understanding as they represent the people of the State of Maine. God, we will give You the honor and the glory for all that is said and done today. We love You and we are so thankful for Your love for us. We pray this in Your name. Amen.

Doctor of the day, Lisa Doyle, M.D. of Portland.

Reading of the Journal of Tuesday, March 25, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

The Following Communication: S.C. 112

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

March 24, 2003

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 30-A, MRSA, Chapter 187, Section 4350, I am pleased to appoint Peter Merrill to the Community Preservation Advisory Committee as the member representing a statewide housing authority.

Please let me know if you have any questions regarding this appointment.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 113

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

March 17, 2003

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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 72 | An Act to Improve Juvenile Rehabilitation |
| L.D. 636 | An Act To Improve Highway Safety Regarding Methadone |
| L.D. 646 | 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 |
| L.D. 907 | Resolve, Directing the Department of Corrections To Develop a Plan To Improve Transitional Services for Sex Offenders and Sexually Violent Predators and To Improve Communications with Law Enforcement Agencies Regarding the Release of Sex Offenders |

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

SENATE PAPERS

Bill "An Act To Provide Administrative Support to the Treasurer of State's Cash Pool"

S.P. 480 L.D. 1442

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representatives: MAILHOT of Lewiston, PINGREE of North Haven.
Submitted by the Office of the Treasurer of State pursuant to Joint Rule 204.

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 Establish New License Fee Caps"

S.P. 479 L.D. 1441

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative SULLIVAN of Biddeford.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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 Require Disclosure of Benefit Offsets under Disability Insurance Policies"

S.P. 476 L.D. 1438

Sponsored by Senator MAYO of Sagadahoc.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Establish the Commercial Fishing Safety Council"
S.P. 478 L.D. 1440

Sponsored by Senator DAMON of Hancock.
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 Protect Young Drivers and Passengers"

S.P. 477 L.D. 1439

Sponsored by Senator SAVAGE of Knox.
Cosponsored by Representative USHER of Westbrook and Senators: DAMON of Hancock, HATCH of Somerset, WOODCOCK of Franklin, Representatives: JODREY of Bethel, McKENNEY of Cumberland, McNEIL of Rockland, PARADIS of Frenchville, SNOWE-MELLO of Poland.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act Regarding Case Management Officers"

H.P. 537 L.D. 731

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 **TAXATION** on Bill "An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans"

H.P. 143 L.D. 184

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-20)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20)**.

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

READ ONCE.

Committee Amendment "A" (H-20) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Encourage Youth Hunters"

H.P. 139 L.D. 180

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

BRYANT of Oxford
CARPENTER of York
KNEELAND of Aroostook

Representatives:

DUNLAP of Old Town
RICHARDSON of Greenville
TOBIN of Dexter
McGLOCKLIN of Embden
WHEELER of Kittery
WOTTON of Littleton
WATSON of Bath
PINEAU of Jay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-24)**.

Signed:

Representatives:

HONEY of Boothbay
TRAHAN of Waldoboro

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

SECOND READERS

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

Senate

Bill "An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers"

S.P. 339 L.D. 995

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags (EMERGENCY)

S.P. 26 L.D. 40
(C "A" S-4)

Bill "An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal"

S.P. 31 L.D. 79
(C "A" S-3)

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

Sent down for concurrence.

ENACTORS

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

Acts

An Act to Amend the Law Pertaining to Notice of Nonrenewal of an Automobile Insurance Policy

H.P. 12 L.D. 5
(C "A" H-14)

An Act Regarding Fish Stocking Decisions

H.P. 91 L.D. 82
(C "A" H-15)

An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure

H.P. 216 L.D. 273

An Act To Specify Information Required in a Divorce Decree

H.P. 542 L.D. 736

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

Resolve

Resolve, to Designate Interstate 95 from Augusta to Houlton as the Purple Heart Trail

H.P. 21 L.D. 14
(C "A" H-13)

FINALLY PASSED and having been signed by the President was 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 (3/13/03) Assigned matter:

JOINT RESOLUTION - Relative to Recognizing Adult Education in Maine

S.P. 442

Tabled - March 13, 2003, by Senator **TREAT** of Kennebec

Pending - motion by President **DAGGETT** of Kennebec to **ADOPT**

(In Senate, March 13, 2002, under unanimous consent on motion by Senator **TREAT** of Kennebec, on behalf of President **DAGGETT** of Kennebec, **READ**.)

Senator **TREAT** of Kennebec requested and received leave of the Senate to withdraw the Joint Resolution.

The Chair laid before the Senate the following Tabled and Later (3/19/03) Assigned matter:

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act To Regulate the Delivery Sales of Cigarettes and To Prevent the Sale of Cigarettes to Minors"

H.P. 910 L.D. 1236

Report - **Refer to the Committee on Health and Human Services**

Tabled - March 19, 2003, by Senator **STANLEY** of Penobscot

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 18, 2003, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.)

(In Senate, March 19, 2003, Report **READ**.)

Report **ACCEPTED**, in concurrence.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws"

H.P. 1059 L.D. 1447

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State"

H.P. 1055 L.D. 1443

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street

H.P. 1057 L.D. 1445

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Ludlow, Maine

H.P. 1058 L.D. 1446

Bill "An Act To Clarify the Administration of State-municipal Revenue Sharing"

H.P. 1060 L.D. 1448

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Facilitate E-9-1-1 for Multiline Telephone Systems"
H.P. 1056 L.D. 1444

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.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1061

**JOINT RESOLUTION RECOGNIZING
MAINE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are locally owned financial cooperatives dedicated to serving their members. Each and every credit union member is an owner, and serving members in all 16 Maine counties and their communities, large and small,

Maine's credit unions are committed to the more than 500,000 Maine consumers that belong to credit unions; and

WHEREAS, sustaining a dedication to providing the highest level of personal service and products to its members, Maine's credit unions consistently perform highly in consumer satisfaction surveys. Further evidence of the popularity of credit unions and the service, products and commitment they provide is indicated by Maine's ranking as the 5th strongest credit union state in the Nation for the past 3 years and by nearly one in every 2 Maine residents belonging to a credit union; and

WHEREAS, the more than 1,700 full- and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers that serve on credit union boards and committees continue to reflect and uphold the core credit union values, philosophy and mission of Maine people helping Maine people; and

WHEREAS, Maine's credit unions are very active within their communities, and they have raised more than \$1.32 million to help end hunger in Maine. One hundred percent of all money that is raised through the Maine Credit Union Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals. Maine's credit unions have also contributed hundreds of thousands of dollars to positively impact the lives of the many Maine Special Olympians from across the State. Additionally, Maine's credit unions voluntarily contribute thousands of dollars to organizations and agencies in their own communities and donate countless hours on a daily basis to enrich the lives of the citizens in the communities in which they serve; and

WHEREAS, since 1921, Maine's credit unions have been a crucial part of the sustainability and financial success of thousands of Maine people in communities in all parts of the State. Throughout Maine, credit unions continue to symbolize the unique spirit of Maine by representing a sense of community, friends and neighbors helping friends and neighbors fulfill their dreams; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for having a positive and profound impact on the lives of Maine citizens and their communities for more than 80 years. We acknowledge that their service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League for its 76 affiliated credit unions.

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

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Limit the Damages Recoverable in Accidents Involving Snowmobile Clubs' Trail-grooming Activities"

S.P. 266 L.D. 787

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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.

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, March 27, 2003, at 9:30 in the morning, in memory of and lasting tribute to the Honorable Robert G. Dillenback of Cumberland.