

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
Monday
May 5, 2003

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

Prayer by Senator Carolyn M. Gilman of Cumberland County.

SENATOR GILMAN: Good morning. May we bow in prayer?

Dear Heavenly Father, we come to You, this day, with thanks, praise and adoration. As members of this Senate, we come to You as people in service for the citizens of Maine. Father, we know that in troubled times we are more likely to turn to You. In these times of economic crisis, in our great State of Maine, we pray that our citizens will become more dependent on You. In our time of need, we turn to You and give the responsibility of fulfilling these needs to Your people to be shared with one another. We become Your hands and Your feet.

As we reach out to each other, our own spiritual muscles become strengthened. There is no greater increase in love, in a people, as when we are able to fulfill Your commandments. Love the Lord, your God, with all your heart, mind, and soul. The second commandment is like it. Love your neighbor as yourself.

When a log gets thrown on a fire, what is contained in the log shines forth in colors of the flame. So it does as we are being tried in the fire of these times. What is inside us will shine forth. Let the colors of Your fire of charity, compassion, kindness, mercy, truth, peace, faith, hope, justice, humility, and especially the fire of Your joy, blaze forth from us, that we will all feel the warmth of the flames.

I ask this in the gracious name of my Lord and Savior, Jesus Christ. Amen.

Pledge of Allegiance led by Senator Carol Weston of Waldo County.

Doctor of the day, Michael Stadnicki, M.D. of South Portland.

Reading of the Journal of Thursday, May 1, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Regional Economic Development
Revolving Loan Program"

H.P. 914 L.D. 1240

In Senate, April 29, 2003, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-198)**, in **NON-CONCURRENCE**.

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 209

121ST LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

April 30, 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 Legal and Veterans' Affairs has had under consideration the nomination of Peter Danton of Saco, for appointment to the State Liquor and Lottery Commission.

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	Gagnon of Kennebec, Lemont of York, Mayo of Sagadahoc
	Representatives	9	Clark of Millinocket, Blanchette of Bangor, Brown of South Berwick, Canavan of Waterville, Glynn of South Portland, Hotham of Dixfield, Jennings of Leeds, Landry of Sanford, Patrick of Rumford

NAYS 0
 ABSENT 1 Rep. Moore of Standish

Twelve 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 Peter Danton of Saco, for appointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Kenneth T. Gagnon S/Joseph E. Clark
 Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** 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 (#43)

YEAS: Senators: None
 NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Peter Danton** of Saco, for appointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 210

**121ST LEGISLATURE
 COMMITTEE ON LEGAL AND VETERANS' AFFAIRS**

April 30, 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 Committee on Legal and Veterans' Affairs has had under consideration the nomination of Linda Valentino of Saco, for appointment to the State Liquor and Lottery Commission.

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	Gagnon of Kennebec, Lemont of York, Mayo of Sagadahoc
	Representatives	9	Clark of Millinocket, Blanchette of Bangor, Brown of South Berwick, Canavan of Waterville, Glynn of South Portland, Hotham of Dixfield, Jennings of Leeds, Landry of Sanford, Patrick of Rumford

NAYS 0
 ABSENT 1 Rep. Moore of Standish

Twelve 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 Linda Valentino of Saco, for appointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Kenneth T. Gagnon S/Joseph E. Clark
 Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LEGAL AND VETERANS AFFAIRS** 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 (#44)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Linda Valentino** of Saco, for appointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

- L.D. 1154 An Act To Establish an Appeal Process for Residential Care Facilities Denied Licensure Due to Fire Safety Issues
- L.D. 1156 Resolve, To Study the Impact of "Critical Access Facility" Designation of Maine Hospitals
- L.D. 1301 Resolve, To Establish the Maine Public Health Commission

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

Sincerely,

S/Sen. Michael Brennan
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

The Following Communication: S.C. 207

**121ST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 24, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 444 Resolve, Regarding Coverage of Durable Medical Equipment in the MaineCare Program
- L.D. 480 Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness
- L.D. 800 Resolve, To Provide Training on Autistic Behaviors to Crisis Professionals
- L.D. 866 An Act Concerning Recovery of Expenses under the General Assistance Laws
- L.D. 1108 Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children
- L.D. 1121 An Act Relating to the Reporting of Information to the Maine Health Data Organization

The Following Communication: S.C. 208

**121ST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

April 29, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 161 An Act to Allow Certain Discounts on Health Insurance
- L.D. 1174 An Act Relating to Options for Health Insurance Coverage
- L.D. 1175 An Act To Improve the Affordability of Individual and Small Group Health Insurance
- L.D. 1176 An Act To Provide Affordable Health Care Insurance to All of the State's Citizens
- L.D. 1363 An Act To Create Lower-cost Health Insurance Options

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Christopher P. O'Neil
House Chair

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

SENATE PAPERS

Bill "An Act To Implement Federal Requirements in Child Protection Matters"

S.P. 551 L.D. 1597

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative KANE of Saco and Representatives: CURLEY of Scarborough, EARLE of Damariscotta, LAVERRIERE-BOUCHER of Biddeford.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan"

S.P. 554 L.D. 1601

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative O'NEIL of Saco and Senators: President DAGGETT of Kennebec, DAVIS of Piscataquis, LaFOUNTAIN of York, MARTIN of Aroostook, TREAT of Kennebec, TURNER of Cumberland, WOODCOCK of Franklin, Representative: Speaker COLWELL of Gardiner.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Pursuant to Joint Order
Joint Standing Committee on Inland Fisheries and Wildlife

Senator BRYANT for the **Joint Standing Committee on Inland Fisheries and Wildlife**, pursuant to Joint Order 2003, S.P. 440 asked leave to report that the accompanying Bill "An Act To Recodify the Laws Governing Inland Fisheries and Wildlife"

S.P. 553 L.D. 1600

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

ORDERS

Joint Order

On motion by Senator **LaFOUNTAIN** of York, the following Joint Order:

S.P. 550

ORDERED, the House concurring, that the Joint Standing Committee on Insurance and Financial Services may report out, to the Senate, a bill regarding individual and group health insurance laws.

READ.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **LaFOUNTAIN** of York to **PASS**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Directing the Commissioner of Public Safety To Study the Emergency Medical Services System

H.P. 783 L.D. 1065

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-187)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-187) AS AMENDED BY HOUSE AMENDMENT "A" (H-208)**, thereto.

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

READ ONCE.

Committee Amendment "A" (H-187) **READ**.

House Amendment "A" (H-208) to Committee Amendment "A" (H-187) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-187) as Amended by House Amendment "A" (H-208) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-187) AS AMENDED BY HOUSE AMENDMENT "A" (H-208)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ban Smoking in Beano and Bingo Halls"

H.P. 186 L.D. 227

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

Signed:

Senators:
BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:
KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
WALCOTT of Lewiston
LEWIN of Eliot
LAVERRIERE-BOUCHER of Biddeford
CURLEY of Scarborough

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

Signed:

Senator:
WESTON of Waldo

Representatives:
DUGAY of Cherryfield
CAMPBELL of Newfield

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

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT 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 TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Arbitrary Interest Rate Hikes"

H.P. 687 L.D. 930

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

Signed:

Senators:
LaFOUNTAIN of York
MAYO of Sagadahoc

Representatives:
VAUGHAN of Durham
PERRY of Calais
BREAULT of Buxton
WOODBURY of Yarmouth
O'NEIL of Saco
GLYNN of South Portland
SNOWE-MELLO of Poland
YOUNG of Limestone

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:
DOUGLASS of Androscoggin

Representatives:
CANAVAN of Waterville
PERRY of Bangor

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

Reports **READ**.

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

At the request of same Senator a Division was had. 30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **LAFOUNTAIN** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase the Compensation of Jurors"

H.P. 344 L.D. 452

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-142)**.

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
SIMPSON of Auburn
GERZOFKY of Brunswick
MILLS of Farmington
DUPREY of Hampden
BRYANT-DESCHENES of Turner

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

BULL of Freeport
BENNETT of Caribou
SHERMAN of Hodgdon
CARR of Lincoln

(Representative LORING of the Penobscot Nation - of the House - supports the Minority **Ought Not to Pass** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.

Reports **READ**.

Senator **PENDLETON** of Cumberland 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.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Reorganized Businesses"

H.P. 752 L.D. 1035

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

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot
WOODCOCK of Franklin

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
BENNETT of Caribou
MILLS of Farmington
CARR of Lincoln
DUPREY of Hampden
BRYANT-DESCHENES of Turner

(Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.)

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-222)**.

Signed:

Representative:

SHERMAN of Hodgdon

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"
H.P. 1010 L.D. 1375

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

Signed:

Senators:

HATCH of Somerset
DAMON of Hancock
SAVAGE of Knox

Representatives:

SAMPSON of Auburn
JODREY of Bethel
MARLEY of Portland
McNEIL of Rockland
COLLINS of Wells
USHER of Westbrook
MARRACHÉ of Waterville
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-121)**.

Signed:

Representatives:

BROWNE of Vassalboro
McKENNEY of Cumberland

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

Reports **READ**.

Senator **HATCH** of Somerset 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.

Senate

Ought to Pass

Senator **STANLEY** for the Committee on **TAXATION** on Resolve,
Authorizing the State Tax Assessor To Convey the Interest of the
State in Certain Real Estate in the Unorganized Territory
S.P. 488 L.D. 1460

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO**
BE ENGROSSED.

Sent down for concurrence.

Ought to Pass As Amended

Senator **BROMLEY** for the Committee on **BUSINESS,**
RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act
To Promote Economic Growth by Retaining Engineers in Maine"
S.P. 334 L.D. 993

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (S-97).

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

READ ONCE.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and
PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Senator **BROMLEY** for the Committee on **BUSINESS,**
RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act
To Increase the Licensing Fee Caps of the State Board of
Optometry"

S.P. 469 L.D. 1411

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (S-98).

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

READ ONCE.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and
PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Senator **EDMONDS** for the Committee on **LABOR** on Bill "An Act
To Allow a Retiree Eligible for State-paid Health Insurance
Coverage To Decline Coverage and Reenroll at a Later Date"
S.P. 408 L.D. 1277

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (S-102).

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

READ ONCE.

Committee Amendment "A" (S-102) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and
PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Senator **DAMON** for the Committee on **MARINE RESOURCES**
on Bill "An Act To Manage the Sea Urchin Fishery"
S.P. 483 L.D. 1451

Reported that the same **Ought to Pass as Amended by**
Committee Amendment "A" (S-99).

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

READ ONCE.

Committee Amendment "A" (S-99) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and
PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Senator ROTUNDO for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote and Protect Private Enterprise"

S.P. 416 L.D. 1285

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-100)**.

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

READ ONCE.

Committee Amendment "A" (S-100) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Senator NASS for the Committee on **TAXATION** on Resolve, To Reduce the State Valuation for the Town of Hermon

S.P. 182 L.D. 542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-101)**.

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

READ ONCE.

Committee Amendment "A" (S-101) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Medicaid Funding of Outstationed Eligibility Work"

S.P. 65 L.D. 142

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

Signed:

Senators:

CATHCART of Penobscot
TURNER of Cumberland

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell

DUDLEY of Portland
FAIRCLOTH of Bangor
PINGREE of North Haven
ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

ROTUNDO of Androscoggin

Reports **READ**.

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Regarding the Operation of Vending Services in Public Buildings"
S.P. 417 L.D. 1286

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

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-92)**.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

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

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Push Polling"

S.P. 44 L.D. 121

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

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket
PATRICK of Rumford
BLANCHETTE of Bangor
CANAVAN of Waterville
JENNINGS of Leeds
HOTHAM of Dixfield
MOORE of Standish

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-96)**.

Signed:

Senators:

LEMONT of York
MAYO of Sagadahoc

Representatives:

GLYNN of South Portland
BROWN of South Berwick
LANDRY of Sanford

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report.

ENACTORS

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

Emergency Measure

An Act To Allow Modular Home Transporters To Obtain Trailer Transit Plates

H.P. 266 L.D. 323
(C "A" H-160)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Relating to ATV Registration

H.P. 279 L.D. 359
(C "A" H-130)

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

Emergency Measure

An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law

H.P. 474 L.D. 644
(C "A" H-161)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth

H.P. 475 L.D. 645
(C "A" H-166)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Concerning the Adoption of Coastal Sand Dune Rules
H.P. 513 L.D. 696
(C "A" H-167)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Promote and Advance Wild Ring-necked Pheasant Propagation
H.P. 652 L.D. 875
(C "A" H-129)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Membership of the Maine Fire Protection Services Commission
H.P. 857 L.D. 1160
(C "A" H-156)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 840, Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

H.P. 1016 L.D. 1386

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission
H.P. 1092 L.D. 1495

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered
H.P. 190 L.D. 235

An Act To Require Information on New Wells
H.P. 271 L.D. 341
(C "A" H-164)

An Act To Amend the Laws Governing Antique Vehicles
H.P. 285 L.D. 365
(C "A" H-149)

An Act Regarding the School Board of the Governor Baxter School for the Deaf
H.P. 328 L.D. 420
(C "A" H-139)

An Act To Increase the Availability of Handicapped Parking Spaces for People with Disabilities
H.P. 332 L.D. 424
(C "A" H-165)

An Act Clarifying the Maine Consumer Credit Code
H.P. 374 L.D. 485

An Act To Manage Water Resources
H.P. 380 L.D. 491
(C "A" H-136)

An Act To Clarify the Responsibilities of the Department of Environmental Protection

H.P. 427 L.D. 564
(C "A" H-144)

An Act To Create Experimental Motor Vehicle Plates and Registration

H.P. 507 L.D. 690
(C "A" H-137)

An Act Regarding the Suspension of Licenses for Failure To Pay a Fine

H.P. 518 L.D. 701
(C "A" H-128)

An Act To Enhance Homeland Security

H.P. 530 L.D. 724
(C "A" H-131)

An Act To Clarify Inspection Standards Related to Vehicle Wheel Size

H.P. 543 L.D. 737

An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities

H.P. 574 L.D. 775
(C "A" H-125)

An Act To Amend Motor Vehicle Frame Height Laws

H.P. 595 L.D. 818
(C "A" H-122)

An Act To Amend the Motor Vehicle Laws Pertaining to Mufflers

H.P. 596 L.D. 819
(C "A" H-178)

An Act To Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission

H.P. 741 L.D. 1020
(C "A" H-153)

An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions

H.P. 747 L.D. 1030
(C "A" H-124)

An Act Regarding University of Maine System Boards of Visitors

H.P. 819 L.D. 1116
(C "A" H-138)

An Act To Clarify Sentencing for Persons Convicted of Class D and Class E Crimes Involving Domestic Violence

H.P. 938 L.D. 1266
(C "A" H-154)

An Act To Modify Water Well Reporting Requirements

H.P. 1025 L.D. 1398

An Act To Amend a Requirement Concerning Dioxin

H.P. 1030 L.D. 1403
(C "A" H-169)

An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund

H.P. 1049 L.D. 1430

An Act To Make Technical Amendments to Truck Size and Weight Laws

H.P. 1065 L.D. 1457
(C "A" H-177)

An Act To Improve Participation in the Farms for the Future Program

H.P. 1066 L.D. 1461

An Act To Relocate the Prohibition of Use of State Government Computer Systems for Political Purposes to the Election Laws

H.P. 1071 L.D. 1466

An Act To Amend the Civil Service Law with Respect to Classified Employees Who Accept Appointment to the Unclassified Service

H.P. 1073 L.D. 1468

An Act To Improve Timeliness of Unemployment Trust Fund Deposits

H.P. 1081 L.D. 1476
(C "A" H-147)

An Act To Clarify Provisions Governing Corporate-owned Life Insurance Policies

H.P. 1086 L.D. 1481

An Act To Make Technical Changes to Statutes Regarding Regulatory Boards and Registrations

H.P. 1099 L.D. 1506

An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law

H.P. 1125 L.D. 1532

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

An Act to Require Flashing Lights for Private Snow Plows

H.P. 156 L.D. 197
(C "A" H-25)

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

Resolves

Resolve, Directing the Department of Behavioral and Developmental Services To Conduct a Study Regarding a Registry of Direct Care Workers Working with Persons with Mental Retardation

H.P. 104 L.D. 95
(C "A" H-162)

Resolve, To Amend the Laws Governing the Health Care Workforce Leadership council

H.P. 160 L.D. 201
(C "A" H-163)

Resolve, Concerning the Titling of Mobile Homes, Boats, All-terrain Vehicles, Snowmobiles and Other Property

H.P. 229 L.D. 286
(C "A" H-141)

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

H.P. 458 L.D. 628
(C "A" H-150)

Resolve, Directing the Department of Conservation To Create the Kennebec River Historic Waterway

H.P. 497 L.D. 680
(C "A" H-152)

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

RECALLED FROM ENGROSSING

Bill "An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury"

H.P. 701 L.D. 944
(C "A" H-157)

(In Senate, April 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**, in concurrence.)

(**RECALLED** pursuant to Joint Order (S.P. 549), in concurrence.)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-157), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-93) to Committee Amendment "A" (H-157) **READ** and **ADOPTED**.

Committee Amendment "A" (H-157) as Amended by Senate Amendment "A" (S-93) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157) AS AMENDED BY SENATE AMENDMENT "A" (S-93) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Bill "An Act To Amend the Regional Economic Development Revolving Loan Program"

H.P. 914 L.D. 1240

Tabled - May 5, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, April 29, 2003, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 1, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-198)**, in **NON-CONCURRENCE**.)

On motion by Senator **TREAT** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (4/10/03) Assigned matter:

Bill "An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety, Order and Discipline"

S.P. 145 L.D. 427

Tabled - April 10, 2003, by Senator **STRIMLING** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-29)**

(In Senate, April 10, 2003, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-29) **READ**.)

On motion by Senator **WESTON** of Waldo, Senate Amendment "A" (S-95) to Committee Amendment "A" (S-29) **READ** and **ADOPTED**.

Committee Amendment "A" (S-29) as Amended by Senate Amendment "A" (S-95) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29) AS AMENDED BY SENATE AMENDMENT "A" (S-95)** thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/28/03) Assigned matter:

JOINT ORDER - relative to directing the Joint Standing Committee on State and Local Government to report out legislation regarding county government

H.P. 1154

Tabled - April 28, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **PASSAGE**, in concurrence

(In House, April 16, 2003, **READ** and **PASSED**.)

(In Senate, April 28, 2003, **READ**.)

On motion by Senator **ROTUNDO** of Androscoggin, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding Sinks in Eating Establishments"
H.P. 1171 L.D. 1596

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

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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 Ensure Access to Intelligence and Investigative Information"
H.P. 1172 L.D. 1598

Comes 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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act To Reapportion the Districts for Representatives to the United States Congress

H.P. 1139 L.D. 1556
(S "B" S-47)

In House, May 1, 2003, **PASSED TO BE ENACTED**.

In Senate, May 1, 2003, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **GAGNON** of Kennebec, the Senate **ADHERED**.

Off Record Remarks

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.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Tuesday, May 6, 2003, at 10:00 in the morning.