

# 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  
Friday  
May 16, 2003

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

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Prayer by Reverend Michael Stevens, Second Congregational  
Church, United Church of Christ in Newcastle

**REVEREND STEVENS:** Let us pray together. Creating and  
loving God, at the beginning of this day, we pause to give You  
thanks and to ask for Your guidance. We are grateful for the  
goodness of life in this state where we live. For the beauty of  
nature all around us, and for the energy, creativity and  
commitments of Maine's people.

Today we ask You to guide all of our state's leaders, the  
Governor and his administration, the members of this Senate, and  
the members of the House of Representatives. Grant them  
wisdom to understand the complex issues that they face. Grant  
them courage to stand for justice, even when that stand may not  
be popular. Grant them compassion to consider the needs of  
Maine's poorest and least powerful people. Grant them  
understanding of and appreciation for all the people they serve,  
that they may communicate well and govern effectively. At the  
end of the day, reward them with a sense of a job well done, with  
the respect of their peers in government service, with the  
appreciation of the people of Maine, and with a warm welcome  
home from the families they love. Amen.

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Doctor of the day, Adele Carroll, D.O. of Limerick.

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Reading of the Journal of Thursday, May 15, 2003.

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**Off Record Remarks**

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The Chair noted the absence of the Senator from York, Senator  
**LAFOUNTAIN** and further excused the same Senator from  
today's Roll Call votes.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **STATE AND  
LOCAL GOVERNMENT** on Bill "An Act Concerning Municipal  
Firearms Discharge Ordinances"

H.P. 781 L.D. 1063

Majority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-321)** (10 members)

Minority - **Ought Not to Pass** (2 members)

In House, May 13, 2003, the Majority **OUGHT TO PASS AS  
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED  
TO BE ENGROSSED AS AMENDED BY COMMITTEE  
AMENDMENT "A" (H-321)**.

In Senate, May 14, 2003, on motion by Senator **ROTUNDO** of  
Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ**  
and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Senator **BRYANT** of Oxford moved the Senate **RECEDE** and  
**CONCUR**.

At the request of Senator **ROTUNDO** of Androscoggin a Division  
was had. 23 Senators having voted in the affirmative and 7  
Senators having voted in the negative, the motion by Senator  
**BRYANT** of Oxford to **RECEDE** and **CONCUR**, **PREVAILED**.

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**Non-Concurrent Matter**

Bill "An Act To Clarify the Timber Harvesting Notification  
Requirements"

S.P. 463 L.D. 1407

In Senate, May 13, 2003, **PASSED TO BE ENGROSSED**.

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "A" (H-385)**, in **NON-  
CONCURRENCE**.

On motion by Senator **BRYANT** of Oxford, the Senate **RECEDED**  
and **CONCURRED**.

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**Joint Resolution**

The following Joint Resolution:

H.P. 1192

**JOINT RESOLUTION HONORING  
DR. JOHN H. JOSEPH, PRESIDENT  
OF THE UNIVERSITY OF MAINE AT MACHIAS**

WHEREAS, We, the Members of the One Hundred and Twenty-  
first Legislature, now assembled in the First Regular Session,  
have learned of the sudden and untimely death of Dr. John H.  
Joseph on Saturday, May 10, 2003; and

WHEREAS, Dr. Joseph had served for nearly 3 years as President of the University of Maine at Machias; and

WHEREAS, during his time as President he led his institution to new levels of quality, achievement and respect; and

WHEREAS, Dr. Joseph's leadership resulted in improved student recruitment and retention and a stronger relationship with Downeast Maine; and

WHEREAS, under Dr. Joseph's guidance his university has developed a bright and promising future as a premier institution emphasizing environmental studies and liberal arts; and

WHEREAS, Dr. Joseph's efforts as President quickly earned the strong respect and support of faculty, students, staff and alumni; and

WHEREAS, Dr. Joseph played an important leadership role within the University of Maine System, demonstrating a broad vision of public higher education in Maine; and

WHEREAS, Dr. Joseph shared his leadership skills with the Downeast community as a board member of the Machias Bay Area Chamber of Commerce and the Downeast Institute for Applied Marine Research and Education; and

WHEREAS, Dr. Joseph served in advisory roles with Down East Community Hospital and the Route 1 Corridor Committee; and

WHEREAS, Dr. Joseph served with distinction as a member of the Maine Tourism Commission, a position to which he was appointed by the Governor; and

WHEREAS, Dr. Joseph's 28 years in higher education resulted in immeasurable benefits to the students, states and institutions for whom he dedicated his efforts; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to express to Dr. Joseph's family and to the University of Maine at Machias community the State's gratitude for the leadership, vision and public service that Dr. Joseph shared and demonstrated as a resident of his adopted Maine; and be it further

RESOLVED: That We express our deepest sorrow upon the death of Dr. John H. Joseph and that this sentiment and the Legislature's condolences be communicated to Dr. Joseph's wife of 37 years, Marlene Smith Joseph; his daughter, Ashley Joseph McGettigan; his son-in-law, Joseph McGettigan; his 2 grandchildren, Lauren Mary McGettigan and John Joseph McGettigan; his brother, James Joseph; and the students, faculty and staff of the University of Maine at Machias.

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

**READ** and **ADOPTED**, in concurrence.

## COMMUNICATIONS

The Following Communication: S.P. 571

### STATE OF MAINE 121<sup>ST</sup> MAINE LEGISLATURE

May 15, 2003

Sen. Neria R. Douglass  
Senate Chair, Joint Standing Committee on  
Education and Cultural Affairs  
Rep. Glenn A. Cummings  
House Chair, Joint Standing Committee on  
Education and Cultural Affairs  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Charles L. Johnson, III of Hallowell for reappointment; Paul Mitchell of Waterville for appointment; and Charles O'Leary of Orono for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1865, c. 532, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

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The Following Communication: S.C. 237

### 121<sup>ST</sup> LEGISLATURE COMMITTEE ON JUDICIARY

May 12, 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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 415      An Act To Restore Federal Protections to  
Maine State Employees

We have also notified the sponsor and cosponsors of the  
Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. William S. Norbert  
House Chair

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

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The Following Communication:      H.C. 212

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

May 15, 2003

Honorable Joy J. O'Brien  
Secretary of the Senate  
121st Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to his authority under Rule 371 of the Joint Rules,  
Speaker of the House Patrick Colwell has appointed the following  
Representatives to serve as members of the *Government  
Oversight Committee*, the committee having oversight  
responsibility for the Office of Program Evaluation and  
Government Evaluation:

Representative Matthew Dunlap of Old Town  
Representative Bonita Breault of Buxton  
Representative John Piotti of Unity  
Representative David Trahan of Waldoboro  
Representative Deborah McNeil of Rockland  
Representative Stanley Moody of Manchester

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT** on Bill "An Act To Amend the Laws Concerning  
State Board of Alcohol and Drug Counselors"

H.P. 1142 L.D. 1559

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.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**  
on Bill "An Act To Amend Certain Provisions Relating to a Permit  
To Carry Concealed Firearms To Be Consistent with Changes to  
the Statute Relating to Possession of Firearms by Prohibited  
Persons"

H.P. 1132 L.D. 1546

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.

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

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**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND  
FORESTRY** on Bill "An Act to Clarify the Definition of Livestock"

H.P. 140 L.D. 181

Reported that the same **Ought to Pass as Amended by  
Committee Amendment "A" (H-377).**

Comes from the House with the Report **READ** and **ACCEPTED**  
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-377).**

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

**READ ONCE.**

Committee Amendment "A" (H-377) **READ** and **ADOPTED**, in  
concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Planning To Protect the State's Waters"

H.P. 200 L.D. 245

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-378)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-378)**.

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

**READ ONCE.**

Committee Amendment "A" (H-378) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish a Moratorium on Genetically Engineered Plants"

H.P. 893 L.D. 1219

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-376)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

Report **READ**.

On motion by Senator **BRYANT** of Oxford, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

---

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Maine's Arborist Licensing Laws"

H.P. 1068 L.D. 1463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**.

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

**READ ONCE.**

Committee Amendment "A" (H-386) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Maine 'Lemon Law'"

H.P. 664 L.D. 887

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-382)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**.

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

**READ ONCE.**

Committee Amendment "A" (H-382) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Encourage Hunting by Simplifying Hunting Laws"

H.P. 801 L.D. 1083

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**.

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

**READ ONCE.**

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **MARINE RESOURCES** on Bill "An Act To Change the Options for a Lobster Management Zone and To Change Entry Criteria for Noncommercial Licensees"

H.P. 520 L.D. 703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-375)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-375)**.

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

**READ ONCE.**

Committee Amendment "A" (H-375) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **MARINE RESOURCES** on Bill "An Act To Create an Owner-operator Requirement in the Scallop Fishery" H.P. 1039 L.D. 1416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-374)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-374)**.

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

**READ ONCE.**

Committee Amendment "A" (H-374) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **NATURAL RESOURCES** on Bill "An Act To Protect Moderate-value and High-value Bird Habitats" H.P. 908 L.D. 1234

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-372)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**.

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

**READ ONCE.**

Committee Amendment "A" (H-372) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses" H.P. 1002 L.D. 1367

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-381)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-381)**.

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

**READ ONCE.**

Committee Amendment "A" (H-381) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **NATURAL RESOURCES** on Bill "An Act To Reclassify Certain Waters of the State" H.P. 1121 L.D. 1529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-373)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**.

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

**READ ONCE.**

Committee Amendment "A" (H-373) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Department of Audit To Perform Other Audits and Reviews" H.P. 1048 L.D. 1429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-369)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Transfer of Land from the State to Maine School Administrative District No. 16

H.P. 1136 L.D. 1550

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-388)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)**.

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

**READ ONCE.**

Committee Amendment "A" (H-388) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

H.P. 1113 L.D. 1520

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-371)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-371)**.

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

**READ ONCE.**

Committee Amendment "A" (H-371) **READ** and **ADOPTED**, in concurrence.

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

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**Senate**

**Ought to Pass As Amended**

Senator **BRYANT** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect the Small Forest Landowners"

S.P. 500 L.D. 1500

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-162)**.

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

**READ ONCE.**

Committee Amendment "A" (S-162) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act To Promote and Monitor Competition in the Solid Waste Industry"

S.P. 507 L.D. 1515

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-163)**.

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

**READ ONCE.**

Committee Amendment "A" (S-163) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions"

S.P. 315 L.D. 974

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-161)**.

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 Not To Pass**.

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 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.

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Off Record Remarks

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#### ENACTORS

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

#### Emergency Measure

An Act To Protect Lienholders of Titled Vehicles

H.P. 780 L.D. 1062  
(C "A" H-299)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

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#### Emergency Measure

An Act To Conform the Maine Tax Laws for 2002 with the United States Internal Revenue Code

H.P. 1067 L.D. 1462

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

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#### Emergency Resolve

Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probable Human Carcinogens

H.P. 158 L.D. 199  
(C "A" H-323)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

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#### Emergency Resolve

Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine

H.P. 1112 L.D. 1519  
(H "A" H-327 to C "A" H-281)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

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#### Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 1: Community Industrial Building Program, a Major Substantive Rule of the Maine Rural Development Authority

H.P. 1143 L.D. 1560

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

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#### Acts

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

H.P. 32 L.D. 25

An Act Regarding Alewife Harvesting

H.P. 115 L.D. 106  
(C "A" H-302)

An Act To Establish a Definition for Biodiesel Fuels

S.P. 160 L.D. 441  
(C "A" S-135)

An Act To Clarify Tax Appeal Procedures

H.P. 343 L.D. 451  
(C "A" H-310)

An Act To Implement the Recommendations of the State House  
and Capitol Park Commission Regarding a Living Memorial in  
Capitol Park

H.P. 373 L.D. 484  
(C "A" H-308)

An Act To Standardize Reporting Requirements for State Party  
Committees' Expenditures and Contributions

H.P. 489 L.D. 659  
(H "A" H-329 to C "A" H-301)

An Act Relating to Employees Whose Membership in the Maine  
State Retirement System is Optional

S.P. 236 L.D. 672  
(C "A" S-138)

An Act To Create the Snowmobile Trail Fund Advisory Council

H.P. 577 L.D. 778  
(C "A" H-306)

An Act To Change Mandatory Minimum Sentences in Certain  
Cases

H.P. 633 L.D. 856  
(C "A" H-311)

An Act To Clarify the Status of Regulated Water Utility Plumbing  
Permits

S.P. 348 L.D. 1004  
(C "A" S-128)

An Act To Amend the Filing Requirements for Special Hide  
Dealers

H.P. 779 L.D. 1061  
(C "A" H-303)

An Act To Include Alternates as Regular Jurors

H.P. 854 L.D. 1155  
(C "A" H-325)

An Act To Amend the Subdivision Laws

H.P. 951 L.D. 1297  
(C "A" H-330)

An Act To Regulate the Landlord-tenant Relationship

S.P. 451 L.D. 1381  
(C "A" S-122)

An Act To Establish the Landowners and Sportsmen Relations  
Advisory Board

H.P. 1064 L.D. 1456  
(C "A" H-305)

An Act To Change the Tax Laws as They Apply to Combat  
Troops

S.P. 511 L.D. 1523  
(C "A" S-127)

An Act To Amend Certain Laws Administered by the Department  
of Environmental Protection

H.P. 1133 L.D. 1547  
(C "A" H-298)

An Act To Permit Special Purpose Reinsurance Vehicles

S.P. 522 L.D. 1553

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

An Act Concerning Age Requirements for Student, Apprentice  
and Noncommercial Lobster Licenses

H.P. 1003 L.D. 1368  
(C "A" H-276)

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

### Resolves

Resolve, Requiring the Department of Inland Fisheries and  
Wildlife To Implement the Recommendations of the Maine Inland  
Fisheries Management Program 2002 Review

H.P. 57 L.D. 49  
(C "A" H-304)

Resolve, Requiring the Department of Agriculture, Food and  
Rural Resources To Adopt Rules Regarding Care and Treatment  
of Elephants

S.P. 109 L.D. 327  
(S "A" S-120 to C "A" S-85)

Resolve, Relating to Renewable Resources

H.P. 966 L.D. 1312  
(C "A" H-317)

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

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 To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71  
H.P. 1193 L.D. 1615

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order:

H.P. 1196

ORDERED, the Senate concurring, that Bill, "An Act To Assist Low-income Families To Comply with the Booster Seat Law," H.P. 474, L.D. 644 and all its accompanying papers, be recalled from the Governor's desk to the House.

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

**READ** and **PASSED**, in concurrence.

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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 **JUDICIARY** on Bill "An Act To Protect Health Care Workers Who Report Medical Errors"

H.P. 526 L.D. 720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)**.

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

**READ ONCE.**

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Simplify Calculation of Legal Interest"

H.P. 835 L.D. 1132

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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

**READ ONCE.**

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to Harness Racing Laws"

H.P. 521 L.D. 704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-397)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397)**.

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

**READ ONCE.**

Committee Amendment "A" (H-397) **READ** and **ADOPTED**, in concurrence.

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

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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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services"

H.P. 93 L.D. 84

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392).**

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

**READ ONCE.**

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Elevate the Standards of Foster Parenting in the State"

H.P. 194 L.D. 239

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-399).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399).**

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

**READ ONCE.**

Committee Amendment "A" (H-399) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act Relating to the Protection of Whistleblowers"

H.P. 1044 L.D. 1425

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395).**

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

**READ ONCE.**

Committee Amendment "A" (H-395) **READ.**

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ADOPTION OF COMMITTEE AMENDMENT "A" (H-395)**, in concurrence.

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The Committee on **JUDICIARY** on Bill "An Act To Protect Maine Consumers from Hidden Fees and Charges"

H.P. 1084 L.D. 1479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-394).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394).**

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

**READ ONCE.**

Committee Amendment "A" (H-394) **READ** and **ADOPTED**, in concurrence.

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

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Off Record Remarks

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **PENDLETON** for the Committee on **JUDICIARY** on Bill "An Act To Improve the Administration of the Baxter Compensation Program"

S.P. 263 L.D. 768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-164).**

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

**READ ONCE.**

Committee Amendment "A" (S-164) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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Senator PENDLETON for the Committee on **JUDICIARY** on Bill "An Act To Protect Plaintiffs and Minor Children in Certain Civil Protection Order Cases"

S.P. 527 L.D. 1568

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-165)**.

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

**READ ONCE**.

Committee Amendment "A" (S-165) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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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:

#### **Acts**

An Act Pertaining to Former Members of the Maine State Retirement System

H.P. 608 L.D. 831  
(C "A" H-322)

An Act To Ensure Segregation of Spoiled, Defective and Void Ballots

S.P. 322 L.D. 981  
(C "A" S-129)

An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets

S.P. 353 L.D. 1022  
(C "A" S-123)

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

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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 Subdivision Standards"

H.P. 1195 L.D. 1617

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

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

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#### **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 (5/13/03) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Parental Responsibility for Restitution"

H.P. 842 L.D. 1139

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-132)** (11 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 13, 2003, by Senator **STRIMLING** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 12, 2003, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.)

(In Senate, May 13, 2003, Reports **READ**.)

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. Although I was a member of the majority on this, there was, fortunately, one enlightened member of our committee, the fine Representative Blanchette, who was able to see a problem. When this bill came forward, we later realized there was a constitutional problem with the way it was originally drafted. I tried to come up with an amendment that might work. The analyst in our office put it

together. You may have actually seen it. Unfortunately, it did not do the job fully. So I would like that body accept the enlightenment of that one fine member of the other body and accept the minority Ought Not to Pass report.

On motion by Senator **STRIMLING** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

HOUSE REPORT - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Control County Jail Health Care Expenses"

H.P. 585 L.D. 808

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-365)**

Tabled - May 15, 2003, by Senator **STRIMLING** of Cumberland

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

(In House, May 14, 2003, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**.)

(In Senate, May 15, 2003, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-365) **READ**.

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-167) to Committee Amendment "A" (H-365) **READ**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **STRIMLING** of Cumberland to **ADOPT** Senate Amendment "A" (S-167) to Committee Amendment "A" (H-365).

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The Chair laid before the Senate the following Tabled and Later (5/15/03) Assigned matter:

An Act To Provide Requirements for Towns To Deorganize  
S.P. 421 L.D. 1290  
(C "A" S-121)

Tabled - May 15, 2003, by **DAVIS** of Piscataquis

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-121)**.)

(In House, May 14, 2003, **PASSED TO BE ENACTED**.)

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

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Senate at Ease.

Senate called to order by the President.

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

Bill "An Act To Control County Jail Health Care Expenses"  
H.P. 585 L.D. 808

Tabled - May 16, 2003, by Senator **BENNETT** of Oxford

Pending - motion by Senator **STRIMLING** of Cumberland to **ADOPT SENATE AMENDMENT "A" (S-167) TO COMMITTEE AMENDMENT "A" (H-365)**

(In House, May 14, 2003, the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365)**.)

(In Senate, May 16, 2003, Report **ACCEPTED**, in concurrence. **READ ONCE**. Committee Amendment "A" (H-365) **READ**. On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-167) to Committee Amendment "A" (H-365) **READ**.)

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-167) to Committee Amendment "A" (H-365) **ADOPTED**.

Committee Amendment "A" (H-365) as Amended by Senate Amendment "A" (S-167) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) AS AMENDED BY SENATE AMENDMENT "A" (S-167)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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Senator **HALL** of Lincoln was granted unanimous consent to address the Senate off the Record.

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

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