MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-First Legislature

State of Maine

Volume 1

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Pages 1 - 714

Program"

Non-Concurrent Matter

S.P. 456 L.D. 1385

Bill "An Act To Establish the Pine Tree Development Zones

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

PAPERS FROM THE HOUSE

In Senate Chamber Monday

Monday	(S "B" S-146 to C "A" S-68)
May 19, 2003 Senate called to order by President Beverly C. Daggett of Kennebec County.	In Senate, May 14, 2003, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY SENATE AMENDMENT "B" (S-146) thereto.
Prayer by Senator Karl W. Turner of Cumberland County.	Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-68) AS AMENDED BY HOUSE AMENDMENT "A" (H-406) thereto, in
SENATOR TURNER: Good morning, ladies and gentlemen of the Senate. It is a pleasure to lead you in prayer this morning. I always appreciate this time in our daily calendar. It's an opportunity to reflect on matters large and small in our lives. Today, as you look around you, you can see it's a beautiful day.	NON-CONCURRENCE. On motion by Senator TREAT of Kennebec, TABLED until Later in Today's Session, pending FURTHER CONSIDERATION.
The sun is shining, the air is clear, the temperature is warm, and by the end of the day it will be summer. The long, cold fall, very cold winter, and early cold spring will be forgotten. So reflecting on things that are small, in case you are unaware, the Red Sox	Non-Concurrent Matter Bill "An Act To Implement the Recommendations of the Task
are in first place in the American League, tied with New York. The dreaded Yankees, or as some say, the Yangees, visit Fenway Park for a 3 game series starting tonight. So, in some	Force on Rail Transportation " S.P. 208 L.D. 599 (C "A" S-136)
ways, the more things change, the more they are the same. Let us pray. Dear God, let Your countenance shine on the men and women of the Maine Senate. Help us always remember that,	In Senate, May 13, 2003, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136).
while elected as Republicans and Democrats, our first loyalty is not to party, but to our citizens in this great State of Maine. Grant us the courage to be true to our values while respectful of those who do not see the wisdom of our positions. Bless our leaders in Maine and Washington as they do the people's business. Bless and protect from harms way our men and women in uniform. Watch over them, for they are our most precious resource. Their sacrifices, past and present, have made us the freest people in the history of the world. Amen.	Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136) AND HOUSE AMENDMENT "A" (H-400).
	On motion by Senator HATCH of Somerset, the Senate RECEDED and CONCURRED.
the history of the world. Affield.	REPORTS OF COMMITTEES
Pledge of Allegiance led by Senator Stephen S. Stanley of	House
Penobscot County.	Ought to Pass As Amended
Doctor of the day, Peter Goth, M.D. of Bremen.	The Committee on TRANSPORTATION on Bill "An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads" (EMERGENCY)
	H.P. 313 L.D. 393
Reading of the Journal of Friday, May 16, 2003.	Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-357) .
Off Record Remarks	Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-357).
	Report READ and ACCEPTED, in concurrence.

READ ONCE.

Committee Amendment "A" (H-357) READ.

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-173) to Committee Amendment "A" (H-357) **READ** and **ADOPTED**.

Committee Amendment "A" (H-357) as Amended by Senate Amendment "A" (S-173) 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-357) AS AMENDED BY SENATE AMENDMENT "A" (S-173) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Ban Strikebreakers"

H.P. 79 L.D. 71

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-92).

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:

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

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports READ.

On motion by Senator **EDMONDS** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify When Notice is Effective to Terminate a Tenancy at Will"

H.P. 729 L.D. 1008

Reported that the same Ought to Pass.

Signed:

Senators:

GAGNON of Kennebec LEMONT of York MAYO of Sagadahoc

Representatives:

CLARK of Millinocket GLYNN of South Portland HOTHAM of Dixfield BROWN of South Berwick MOORE of Standish PATRICK of Rumford BLANCHETTE of Bangor CANAVAN of Waterville JENNINGS of Leeds

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

Signed:

Representative:

LANDRY of Sanford

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

Reports READ.

On motion by Senator **GAGNON** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing
Municipal Citizen Initiatives and Referenda" (EMERGENCY)
H.P. 309 L.D. 389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-354)**.

Signed:

Senator:

GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth STONE of Berwick KETTERER of Madison CROSTHWAITE of Ellsworth BARSTOW of Gorham BOWEN of Rockport SUSLOVIC of Portland SUKEFORTH of Union

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

Signed:

Senators:

ROTUNDO of Androscoggin LaFOUNTAIN of York

Representatives:

PEAVEY-HASKELL of Greenbush BUNKER of Kossuth Township

Comes from the House with 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-354).

Reports READ.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Encourage Responsible Employment Practices"

H.P. 880 L.D. 1206

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-353).

Signed:

Senators:

ROTUNDO of Androscoggin LaFOUNTAIN of York

Representatives:

McLAUGHLIN of Cape Elizabeth KETTERER of Madison BARSTOW of Gorham SUSLOVIC of Portland BUNKER of Kossuth Township

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

Signed:

Senator:

GILMAN of Cumberland

Representatives:

PEAVEY-HASKELL of Greenbush STONE of Berwick CROSTHWAITE of Ellsworth BOWEN of Rockport SUKEFORTH of Union

Comes from the House with 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-353).

Reports READ.

Senator **ROTUNDO** of Androscoggin 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 **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years

H.P. 1034 L.D. 1412

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-387)**.

Signed:

Senators:

ROTUNDO of Androscoggin LaFOUNTAIN of York GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth KETTERER of Madison CROSTHWAITE of Ellsworth BARSTOW of Gorham BOWEN of Rockport BUNKER of Kossuth Township

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush STONE of Berwick SUKEFORTH of Union

(Rep. SUSLOVIC of Portland, abstained.)

Comes from the House with the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-387).

Reports **READ**.

Senator **ROTUNDO** of Androscoggin 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.

Senate

Ought to Pass

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Delay the Repeal of Laws Governing the State's Response to an Extreme Public Health Emergency"

S.P. 497 L.D. 1491

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.

Senator MAYO for the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Amend the Law Relating to Multiple-employer Welfare Arrangements" (EMERGENCY)

S.P. 559 L.D. 1605

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 DOUGLASS for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments"

S.P. 181 L.D. 541

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-174).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-174) READ and ADOPTED.

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

Sent down for concurrence.

Senator BRYANT for the Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act To Recodify the Laws Governing Inland Fisheries and Wildlife"

S.P. 553 L.D. 1600

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-171).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-171) 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 Clarify the InforME Public Information Access Act"

S.P. 524 L.D. 1561

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards"

S.P. 484 L.D. 1452

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-172).

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

READ ONCE.

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-172) READ and ADOPTED.

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

Sent down for concurrence.

Committee Amendment "A" (S-169) READ and ADOPTED.

Reported that the same Ought to Pass as Amended by

Committee Amendment "A" (S-169).

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

Sent down for concurrence.

Senator STANLEY for the Committee on **TAXATION** on Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland (EMERGENCY)

S.P. 61 L.D. 138

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-170).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-170) 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 Bill "An Act Concerning Technical Changes to the Tax Laws"

S.P. 530 L.D. 1571

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-175).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-175) 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 **LABOR** on Bill "An Act To Require a Toll-free Telephone Number To Be Maintained by the Bureau of Unemployment Compensation" (EMERGENCY)

S.P. 39 L.D. 116

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-168).

Signed:

Senators:

EDMONDS of Cumberland STANLEY of Penobscot

Representatives:

SMITH of Van Buren CRESSEY of Baldwin 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:

TREADWELL of Carmel HEIDRICH of Oxford NUTTING of Oakland

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.

ENACTORS

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

Emergency Measure

An Act To Ensure Proper Funding of the Public Utilities Commission and the Public Advocate

H.P. 759 L.D. 1042 (C "A" H-319)

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.

Emergency Measure

An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System S.P. 514 L.D. 1535 (C "A" S-152)

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.

Emergency Measure

An Act Regarding Eligibility under the Municipal Investment Trust Fund

S.P. 523 L.D. 1554 (C "A" S-149)

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.

Emergency Resolve

Resolve, To Authorize the Issue of Additional Securities for Projects Relating to the Judicial Branch

S.P. 229 L.D. 665 (C "A" S-140)

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

Emergency Resolve

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws

H.P. 797 L.D. 1079 (C "A" H-326)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Acts

An Act To Protect Conservation Trust Funds

S.P. 284 L.D. 805 (C "A" S-133)

An Act To Simplify the Requirements for Tagging, Registering and Transporting Harvested Animals

S.P. 285 L.D. 806 (C "A" S-142)

An Act To Promote Alternatives in Group Self-insurance

H.P. 629 L.D. 852 (C "A" H-338)

An Act To Clarify and Update the Laws Concerning the Types of Transportation Vehicle Used To Transport Children

H.P. 739 L.D. 1018 (C "A" H-333)

An Act To Authorize Water and Wastewater Districts To Lease Their Assets

H.P. 926 L.D. 1252 (C "A" H-316)

An Act To Clarify the Authority of the Attorney General To Seek Restitution and To Require the Superintendent of Insurance To Investigate Certain Insurance Practices

> S.P. 438 L.D. 1347 (C "A" S-155)

An Act To Amend the Maine Pesticide Control Act of 1975 To Increase the Pesticide Product Registration Fee

H.P. 1027 L.D. 1400 (C "A" H-339) An Act To Refine the Maine Rural Development Statutes FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval. S.P. 464 L.D. 1408 (C "A" S-148) An Act To Clarify Maine Law Relating to Viatical Settlements H.P. 1035 L.D. 1413 ORDERS OF THE DAY (C "A" H-347) **Unfinished Business** An Act Relating to the Award of Attorneys' Fees and Damages The following matter in the consideration of which the Senate was under the Maine Human Rights Act engaged at the time of Adjournment had preference in the Orders H.P. 1043 L.D. 1424 of the Day and continued with such preference until disposed of (C "A" H-332) as provided by Senate Rule 516. An Act To Require Disclosure of Benefit Offsets under Disability The Chair laid before the Senate the following Tabled and Later Insurance Policies S.P. 476 L.D. 1438 (5/12/03) Assigned matter: (C "A" S-154) HOUSE REPORT - from the Committee on STATE AND LOCAL An Act To Amend the Maine Banking Laws GOVERNMENT on Bill "An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds" S.P. 512 L.D. 1534 H.P. 607 L.D. 830 (C "A" S-141) An Act To Modify the Exemption for Compost under the Nutrient Report - Ought to Pass Management Law and the Nutrient Management Review Board's Authority To Hear Appeals Tabled - May 12, 2003, by Senator ROTUNDO of Androscoggin S.P. 517 L.D. 1543 Pending - ACCEPTANCE OF REPORT, in concurrence PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his (In House, May 9, 2003, Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.) approval. (In Senate, May 12, 2003, Report READ.) On motion by Senator ROTUNDO of Androscoggin, Bill and An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters accompanying papers INDEFINITELY POSTPONED, in NON-S.P. 46 L.D. 123 CONCURRENCE. (C "A" S-143) Sent down for concurrence. On motion by Senator CATHCART of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT, in concurrence. Out of order and under suspension of the Rules, the Senate considered the following: An Act To Reimburse Philip Wolley for Litigation Expenses PAPERS FROM THE HOUSE Incurred in Connection with His Termination and Reinstatement as a State Employee **House Paper** S.P. 94 L.D. 260 Bill "An Act To Clarify the Employment Status of Court Reporters, (C "A" S-116) Stenographers and Videographers" On motion by Senator CATHCART of Penobscot, placed on the H.P. 1197 L.D. 1618 SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT, in concurrence. Comes from the House, REFERRED to the Committee on LABOR and ordered printed. On motion by Senator EDMONDS of Cumberland, REFERRED to Resolve the Committee on **LABOR** and ordered printed, in concurrence.

S.P. 388 L.D. 1184 (C "A" S-132)

Resolve, To Encourage Use of Alternative Energy Sources

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act Repealing the Charter of the Brewer Water District" S.P. 547 L.D. 1594

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-176).

Signed:

Senators:

HALL of Lincoln YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
CRESSEY of Baldwin
RICHARDSON of Skowhegan

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

Signed:

Representative:

GOODWIN of Pembroke

Reports READ.

On motion by Senator HALL of Lincoln, the Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-176) READ and ADOPTED.

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

Sent down for concurrence.

Senate at Ease.
Senate called to order by the President.

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 20, 2003, at 10:00 in the morning.