

MAINE STATE LEGISLATURE

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

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First Special Session
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Second Regular Session
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February 3, 2004 to March 18, 2004

Pages 715 - 1415

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

In Senate Chamber
Monday
June 2, 2003

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

Prayer by Senator Christine R. Savage of Knox County.

SENATOR SAVAGE: Good morning. Let us pray. Heavenly Father, we have so much to be thankful for. We thank You for the freedom that many of Your people around the world do not have. We thank You for the beauty that surrounds us. The blue sky, the sunshine, green grass, and flowers. All things that we take for granted. Help us to slow down, and enjoy what You have given to us. Father, may we be ever mindful of the responsibilities placed upon us, and as our work days become longer and our patience become shorter, remind us to turn to You for the strength and guidance to do what is right and just for all Your people.

Father, wrap Your loving arms around those who are hurting this day. Give them the strength and love they need to carry them through their difficult days. Let us not forget the families of these legislators, for they have made sacrifices so that we might serve in these halls. Keep them in Your loving care. Grant that we may grow in harmony and friendship as brothers and sisters, created in Your image, to Your honor and phrase. Amen.

Pledge of Allegiance led by Senator Carolyn M. Gilman of
Cumberland County.

Reading of the Journal of Friday, May 30, 2003.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'"

S.P. 525 L.D. 1562
(C "C" S-210)

In Senate, May 23, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-210).**

In House, May 28, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208), in NON-CONCURRENCE.**

In Senate, May 28, 2003, **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

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

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

Non-Concurrent Matter

Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

S.P. 135 L.D. 398
(C "A" S-80; S "A" S-239)

In Senate, May 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80) AND SENATE AMENDMENT "A" (S-239).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-239), in NON-CONCURRENCE.**

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Labor**

The **Department of Labor**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

H.P. 1206 L.D. 1627

Be **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218, in concurrence.

ORDERS

Joint Order

Out of order and under suspension of the Rules, on motion by Senator **DOUGLASS** of Androscoggin, the following Joint Order:
S.P. 582

ORDERED, the House concurring, that Bill, "An Act to Simplify Calculation of Legal Interest," H.P. 835, L.D. 1132, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess
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 Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'"
S.P. 525 L.D. 1562
(C "C" S-210)

Tabled - June 2, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 23, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-210).**)

(In House, May 28, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208)**, in **NON-CONCURRENCE**.)

(In Senate, May 28, 2003, **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

(In House, May 30, 2003, that Body **ADHERED**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Regulate the Delivery Sales of Cigarettes and To Prevent the Sale of Cigarettes to Minors"
H.P. 910 L.D. 1236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-538)**.

Signed:

Senators:
BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:
KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
DUGAY of Cherryfield
WALCOTT of Lewiston
CAMPBELL of Newfield
LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:
WESTON of Waldo

Representatives:
CURLEY of Scarborough
LEWIN of Eliot

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-538)**.

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-538) **READ** and **ADOPTED**, in concurrence.

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

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:

Act

An Act To Increase Access to Information Regarding Referendum Questions

H.P. 925 L.D. 1251
(H "A" H-532 to C "A" H-449)

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

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Workers from Secondhand Smoke and To Promote Worker Safety"

S.P. 437 L.D. 1346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-249)**.

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook
WESTON of Waldo

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
SHIELDS of Auburn
CURLEY of Scarborough
WALCOTT of Lewiston

CAMPBELL of Newfield
LEWIN of Eliot
LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Representative:

DUGAY of Cherryfield

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#142)

YEAS:

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

NAYS:

Senators: BRYANT, HATCH

ABSENT:

Senator: YOUNGBLOOD

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-249) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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 To Amend the Election Laws

H.P. 1134 L.D. 1548
(C "A" H-496)

An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers

H.P. 1162 L.D. 1589
(S "A" S-232 to C "A" H-454)

PASSED TO BE ENACTED 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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Protect Moderate-value and High-value Bird Habitats"

H.P. 908 L.D. 1234
(H "A" H-506 to C "A" H-372)

In Senate, May 27, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENT "A" (H-506)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENTS "A" (H-506) AND "B" (H-539)** thereto, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"

S.P. 515 L.D. 1536

In Senate, May 14, 2003, on motion by Senator **MARTIN** of Aroostook, the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-147)**, in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Authorize the Deorganization of the Town of Centerville"

H.P. 1201 L.D. 1624

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

In Senate, May 29, 2003, **READ TWICE** and **PASSED TO BE ENGROSSED**, without Reference to a Committee, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540)**, in **NON-CONCURRENCE**.

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

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 Protect Moderate-value and High-value Bird Habitats"

H.P. 908 L.D. 1234
(H "A" H-506 to C "A" H-372)

Tabled - June 2, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 27, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENT "A" (H-506)** thereto, in concurrence.)

(In House, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY HOUSE AMENDMENTS "A" (H-506) AND "B" (H-539)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

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

Off Record Remarks

Bill "An Act To Authorize the Deorganization of the Town of Centerville"

H.P. 1201 L.D. 1624

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Tuesday, June 3, 2003, at 10:00 in the morning.

Tabled - June 2, 2003, by Senator **ROTUNDO** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.)

(In Senate, May 29, 2003, **READ TWICE** and **PASSED TO BE ENGROSSED**, without Reference to a Committee, in concurrence.)

(In House, June 2, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-540)**, in **NON-CONCURRENCE**.)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

S.P. 135 L.D. 398
(C "A" S-80; S "A" S-239)

Tabled - June 2, 2003, by Senator **TREAT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, May 29, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-80) AND SENATE AMENDMENT "A" (S-239)**.)

(In House, May 30, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-239)**, in **NON-CONCURRENCE**.)

On motion by Senator **EDMONDS** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by the President.

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