

# MAINE STATE LEGISLATURE

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

Volume II

First Regular Session (Continued)  
May 21, 2003 to June 14, 2003

First Special Session  
August 21, 2003 to August 22, 2003

First Confirmation Session  
October 30, 2003

Second Regular Session  
January 7, 2004 to January 30, 2004

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

Pages 715 - 1415

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

In Senate Chamber  
Tuesday  
January 13, 2004

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

Prayer by Reverend Ray Richard, Retired, of Lewiston.

**REVEREND RICHARD:** A new year has begun and we have returned to the task at hand, representing the people of Maine and their interests. It is our sacred trust to remember always the well-being of our people and the ultimate good of society, as a whole. During the year ahead, may we recommit ourselves to those noble ideals that spring from our own personal faiths and beliefs as well as the objective needs of our state as we perceive them. May we recommit ourselves to a partnership of cooperation the elective office thrusts upon us. As we pursue the means and ends of our sacred trust, let us do so under the conscience guidance of the All Mighty, who leads us all to our common destiny, life, liberty, and the pursuit of happiness. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of  
Piscataquis County.

Reading of the Journal of Thursday, January 8, 2004.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Pursuant to Statute  
Maine Turnpike Authority**

The **Maine Turnpike Authority**, pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asked leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2005"

H.P. 1349 L.D. 1825

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

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

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Joint Order**

The following Joint Order:

H.P. 1348

**ORDERED**, the Senate concurring, that:

1. The Joint Standing Committee on Inland Fisheries and Wildlife shall:

A. Review existing law governing the sale of lead-based tackle;

B. Review the varieties of all lead-based tackle sold in the State;

C. Review cooperative agreements with manufacturers to phase out lead-based tackle weighing less than 1/2 ounce; and

D. Examine other sources of lead discharges into the inland waters of the State.

2. Based on its review, the committee shall report out, to the House, a bill concerning lead discharges into the waters of the State.

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

**READ.**

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

**COMMUNICATIONS**

The Following Communication: S.C. 425

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS**

January 9, 2004

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 John W. Libby of Waterville, for appointment as the Adjutant General.

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	2	Gagnon of Kennebec, Mayo of Sagadahoc
	Representatives	7	Clark of Millinocket, Blanchette of Bangor, Brown of South Berwick, Canavan of Waterville, Hotham of Dixfield, Jennings of Leeds, Patrick of Rumford
NAYS		0	
ABSENT		4	Rep. Glynn of South Portland, Rep. Landry of Sanford, Sen. Lemont of York, Rep. Moore of Standish

Nine 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 John W. Libby of Waterville, for appointment as the Adjutant General be confirmed.

Signed,

S/Kenneth T. Gagnon  
Senate Chair

S/Joseph E. Clark  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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## REPORTS OF COMMITTEES

### House

**Ought to Pass As Amended**

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition"

H.P. 316 L.D. 408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-625).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).**

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

**READ ONCE.**

Committee Amendment "A" (H-625) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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## Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Allow the Sale of Lobster and Crab Fishing Licenses"  
H.P. 219 L.D. 276

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

Signed:

Senators:  
DAMON of Hancock  
PENDLETON of Cumberland  
BENNETT of Oxford

Representatives:  
BULL of Freeport  
PERCY of Phippsburg  
McNEIL of Rockland  
KAELIN of Winterport  
BOWEN of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-628).**

Signed:

Representatives:  
ASH of Belfast  
BIERMAN of Sorrento

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

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator GAGNON for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"  
S.P. 515 L.D. 1536

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

Report **READ**.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services (EMERGENCY)

S.P. 169 L.D. 497

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

Signed:

Senators:

LAFOUNTAIN of York  
DOUGLASS of Androscoggin  
MAYO of Sagadahoc

Representatives:

PERRY of Calais  
BREAULT of Buxton  
CANAVAN of Waterville  
WOODBURY of Yarmouth  
O'NEIL of Saco  
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-357)**.

Signed:

Representatives:

VAUGHAN of Durham  
GLYNN of South Portland  
SNOWE-MELLO of Poland  
YOUNG of Limestone

Reports **READ**.

Senator **LAFOUNTAIN** of York 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.

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require All Health Insurers To Cover the Costs of Hearing Aids"

S.P. 359 L.D. 1087

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

Signed:

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-358)**.

Signed:

Senators:

DOUGLASS of Androscoggin  
MAYO of Sagadahoc

Representatives:

CANAVAN of Waterville  
PERRY of Bangor  
PERRY of Calais

Reports **READ**.

Senator **LAFOUNTAIN** of York 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.

**RECALLED FROM GOVERNOR'S DESK**

An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State

S.P. 449 L.D. 1361  
(C "A" S-256)

(In Senate, June 11, 2003, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 672), in concurrence.)

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State

S.P. 449 L.D. 1361  
(C "A" S-256)

Tabled – January 13, 2004, by Senator **GAGNON** of Kennebec

Pending – **CONSIDERATION**

(In Senate, June 11, 2003, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 672), in concurrence.)

On motion by Senator **GAGNON** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, Bill and accompanied papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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Senator **TREAT** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **WOODCOCK** of Franklin 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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Off Record Remarks

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

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Wednesday, January 14, 2004, at 10:00 in the morning.