

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
Wednesday
January 21, 2004

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

Prayer by Reverend Arlene Tully, Randolph and East Pittston
United Methodist Church.

REVEREND TULLY: Let us be in the spirit of prayer. Holy One, we ask Your blessing upon the members of the Senate gathered here. By Your grace, grant them this day clarity of thought, discerning wisdom, and compassionate understanding. Guide their minds, hearts, and actions, that they might be benevolent in their spirit, courageous in the face of difficulty, and wise in their decisions. May those decisions be reached not through capricious actions under the pressure of expediency, but through deliberate efforts to discover the best solutions to benefit our community. Let them remember that they serve a public trust beyond personal gain or glory, that they are part of a purpose far loftier than individual recognition or power. Help them to work together to serve the people of the great State of Maine and may they see that no community, no state, no nation lives for itself alone, but is ultimately responsible to You for the well-being of all Your children. Almighty God, let the voice of the true and the good and the just be amplified in our laws, that the people of our state may be inspired by its calling, and together with these legislators assembled here, dedicate themselves to the common good. Amen.

Doctor of the day, Dave Salko, M.D. of Portland.

Reading of the Journal of Tuesday, January 20, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 1351 L.D. 1828

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

**Pursuant to Statute
Department of Agriculture, Food and Rural Resources**

The **Department of Agriculture, Food and Rural Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1354 L.D. 1831

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Report **READ**.

On motion by Senator **BRYANT** of Oxford, Report **REJECTED**.

On further motion by same Senator, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 676

**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 16, 2004

Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
Rep. Linda Rogers McKee
House Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:

Please be advised that Governor John E. Baldacci has nominated George McHale of Orrington for appointment as a member of the State Harness Racing Commission.

Pursuant to 8 M.R.S.A. §261-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

The Following Communication: H.P. 1356

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 16, 2004

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I)(a) I am pleased to appoint Representative Anne C. Perry of Calais to serve as a member of the Joint Standing Committee on Health and Human Services.

Should you have any questions regarding this appointment please feel free to contact me.

Sincerely,

S/Patrick Colwell
Speaker of the House

Comes from the House, **READ and ORDERED PLACED ON FILE**.

READ and ORDERED PLACED ON FILE, in concurrence.

SENATE PAPERS

**Pursuant to Public Law
Joint Standing Committee on Criminal Justice**

and Public Safety

Senator STRIMLING for the **Joint Standing Committee on Criminal Justice and Public Safety**, pursuant to Public Law 2001, Chapter 582, Section 4 asked leave to report that the accompanying Bill "An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies" (EMERGENCY)

S.P. 675 L.D. 1832

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit Female Genital Mutilation"

H.P. 1300 L.D. 1778

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Report **READ** and **REJECTED**.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding"

H.P. 1097 L.D. 1504

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**.

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

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

ENACTORS

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

Act

An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition

H.P. 316 L.D. 408
(C "A" H-625)

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

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (1/13/04) Assigned matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-358)** (5 members)

Tabled - January 13, 2004, by Senator **LAFOUNTAIN** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, January 13, 2004, Reports **READ**.)

On motion by Senator **LAFOUNTAIN** of York, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **MAYO** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Thursday, January 22, 2004, at 10:00 in the morning.