

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 27, 2004

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

Prayer by Reverend Carl Geores, Presbyterian Mission at the
Eastward in Monmouth.

REVEREND GEORES: In June of 1952, our family arrived in
Maine. We came to the Town of Leeds in Northern Androscoggin
County. I'm sure all of you know where that is. It is a small rural
community. We had come to help the people of Leeds to
organize a church that would serve the community.

In 1953, I had the experience of going to my first town
meeting. That was a rare experience, believe me, as people
debated their articles and decided how they would raise the
money to serve the people in that community. It was democracy
in action in its purest form.

As the church was organized, our next door neighbor, as a
matter of fact he was right across the street, Guy Buckley, was a
member of the House of Representatives. He was a dairy farmer.
He came to church every Sunday. One year he was challenged
in his bid for reelection, but he was challenged by Ernest Additon,
who sat right next to him in church. He was a Democrat. I
always admired this couple because they came to church and
spent more time talking before church than I think they did
afterwards. They had a wonderful friendship and a wonderful
relationship. After church they would take their wives and go out
for dinner. Well, during the election they kept right on talking and
after the election was over, Guy had won, they proceeded to be
good friends, went out to dinner, and went to Florida. What a
wonderful relationship between two people who disagreed on
many things, but who maintained their friendship.

Let us pray. All mighty God, we seek Your guidance as we
begin this day. We're conscience of our responsibilities to serve
all the people of Maine as we meet day after day. The challenges
are great, the needs of the people are considerable, and
resources are scarce. Help us to listen to one another, to be
realistic in our expectations for our work, and to be fair and
compassionate in our decision making as we work together for
the good of all the people of Maine.

We pray again today for Your watchcare over those who
serve our country in Iraq and we pray for their families. Hasten
the time when the tools of war will be silent and peace will reign in
the world and in the hearts and minds of all people. Amen.

Pledge of Allegiance led by Senator Peggy A. Pendleton of
Cumberland County.

Doctor of the day, Peter Mason, D.O. of Bath.

Reading of the Journal of Thursday, January 22, 2004.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **TREAT** of Kennebec, the following Senate Order:
S.O. 33

ORDERED, that a message be sent to the House of
Representatives proposing a Convention of the two branches of
the Legislature be held at 10:30 this morning in the Hall of the
House for the purpose of extending to the Honorable Leigh I.
Saufley, Chief Justice of the Supreme Judicial Court, the Justices
of the Supreme Judicial Court, and members of the Judiciary, an
invitation to make such communication as pleases her.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator
TREAT to deliver the message to the House of Representatives.
The Sergeant-At-Arms escorted the Senator to the House of
Representatives.

Off Record Remarks

Subsequently, the Senator from Kennebec, Senator **TREAT**
reported that she had delivered the message with which she was
charged.

COMMUNICATIONS

The Following Communication: S.C. 434

**UNIVERSITY OF MAINE SYSTEM
OFFICE OF FINANCE AND TREASURER
107 MAINE AVENUE
BANGOR, MAINE 04401-4380**

January 23, 2004

The Honorable Beverly C. Daggett
President of the Senate
State House Station #3
Augusta, ME 04333

Dear President Daggett:

The enclosed report has been prepared as required by statute. It provides the accounting for State appropriations and capital bonding for research and development at the University of Maine and the University of Southern Maine FY2003.

Sincerely,

S/Joanne L. Yestramski
Chief Financial Officer and Treasurer

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY)
H.P. 1289 L.D. 1767

Reported that the same be **REFERRED** to the Committee on **JUDICIARY.**

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

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

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

The Committee on **NATURAL RESOURCES** on Bill "An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes"
H.P. 1239 L.D. 1663

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

Senate

Pursuant to Joint Rule 309

From the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"
S.P. 390 L.D. 1186

Which was received by the Secretary of the Senate on January 26, 2004 pursuant to Joint Rule 309.

READ.

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

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Authorize Collaborative Practice for Emergency Contraception"
S.P. 376 L.D. 1152

Reported that the same **Ought to Pass.**

Signed:

Senators:
BROMLEY of Cumberland
HALL of Lincoln

Representatives:
SULLIVAN of Biddeford
O'BRIEN of Lewiston
PELLON of Machias
SMITH of Monmouth
RECTOR of Thomaston
ROGERS of Brewer
JACOBSEN of Waterboro

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

Signed:

Senator:
SHOREY of Washington

Representatives:
DUPREY of Medway
BERUBE of Lisbon
AUSTIN of Gray

Reports **READ.**

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT 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 TO PASS** Report.

Off Record Remarks

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions"

S.P. 79 L.D. 156

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

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook
WESTON of Waldo

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
KANE of Saco
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

SHIELDS of Auburn
CURLEY of Scarborough
CAMPBELL of Newfield
LEWIN of Eliot
WALCOTT of Lewiston

Reports **READ**.

Senator **BRENNAN** of Cumberland 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.

At this point a message was received from the House of Representatives, borne by Representative RICHARDSON of Brunswick informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 10:30 in the

morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Convention and make such communication as pleases her.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism"

S.P. 422 L.D. 1291

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

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook
WESTON of Waldo

Representatives:

EARLE of Damariscotta
KANE of Saco
CAMPBELL of Newfield
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

CRAVEN of Lewiston
SHIELDS of Auburn
CURLEY of Scarborough
WALCOTT of Lewiston
LEWIN of Eliot

Reports **READ**.

Senator **BRENNAN** of Cumberland 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.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Increase Maine's Minimum Wage"

S.P. 237 L.D. 673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-359)**.

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan
PATRICK of Rumford
WATSON of Bath
JACKSON of Fort Kent

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
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.

Divided Report

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Germaine Bell To Sue the State

S.P. 567 L.D. 1613

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-360)**.

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
MAYO of Sagadahoc

Representatives:

CLARK of Millinocket
CANAVAN of Waterville
LANDRY of Sanford
BROWN of South Berwick

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

Signed:

Representatives:

PATRICK of Rumford
BLANCHETTE of Bangor
JENNINGS of Leeds
MOORE of Standish
GLYNN of South Portland
HOTHAM of Dixfield

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-360) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

ENACTORS

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

Act

An Act To Protect Consumer Privacy Rights

H.P. 509 L.D. 692
(C "B" H-627)

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

Resolve

Resolve, To Direct State, County and Local Departments and Agencies To Coordinate a Single-point Referral and Resource Service Related to Drug Issues in Washington County

H.P. 38 L.D. 31
(C "A" H-624)

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

Off Record Remarks

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

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

Senate at Ease.

Senate called to order by the President.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, to Wednesday, January 28, 2004, at 10:00 in the morning.