

MAINE STATE LEGISLATURE

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

Volume II

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First Special Session
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Second Regular Session
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Pages 715 - 1415

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

In Senate Chamber
Wednesday
January 28, 2004

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

Prayer by Reverend Earl Edgerly, Farmington Baptist Church.

REVEREND EDGERLY: Let us pray together. All mighty God, what a wonderful time of opportunity we have to serve the people of this state. We gather here today to deliberate the business at hand, and in so doing, acknowledging that the many decisions that are made here today will impact our constituents and all of the people of our communities for years to come.

We acknowledge that we are privileged to live within a state and a nation that is founded upon a solvent God and the faith and courage of our forefathers with a promise for freedom and opportunity and justice for all people. A promise that elicits a respect for all people, regardless of gender and color, race, creed, education, accomplishment or lack thereof, economic status or social standing. A respect that permits the fair exchange of ideas within the confines of seeking what is best for the state and its communities, the individuals and families, the businesses and organizations of which it is comprised.

Oh God, I pray You will grant the courage for these people to not only speak to those issues of their concerns and those of their constituents, but to do so in a courteous manner that evokes the same from others. To realize that we will not necessarily agree on every issue, to recycle personal agendas without concern for the common good will only invite trepidation and ill will. I pray that we all rise above partisan politics, and with clear vision and genuine concern, seek what is best for that quality of life for each of our neighbors in the State of Maine. Grant vision to us in planning and in a willingness to change, remembering that the codes and the laws are to be our servant and not our master, for the benefit of all. Lord, I would pray that You will watch over these special public servants that are charged with such an awesome responsibility because of the positions they hold in our state government. I would ask that You grant them strength and endurance coupled with great wisdom and patience to accomplish the tasks at hand. We are grateful for their allegiance to their given responsibilities. I pray for Your guidance for them and blessing upon them, for Your glory and for our good. Amen.

Reading of the Journal of Tuesday, January 27, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1357

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Education and Cultural Affairs shall review the feasibility of establishing blueprint guideline plans for state-financed school construction. The committee shall conduct the study during authorized interim committee meetings.

2. The committee shall:

A. Review the feasibility of establishing from 2 to 5 blueprint plans for state-financed school construction based on school population and the ages of students. These blueprints may be locally amended for construction of any variations at the municipality's expense; and

B. Request input from the Department of Education.

3. The committee shall submit a report, together with any necessary implementing legislation, to the Legislature no later than March 1, 2004.

Comes from the House, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-638)**.

READ.

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

COMMUNICATIONS

The Following Communication: S.C. 435

121ST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

January 15, 2004

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 962 An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General

L.D. 1393 An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Janet L. McLaughlin
House Chair

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

SENATE PAPERS

Bill "An Act To Increase Penalties for Certain Violent Crimes Committed against Senior Citizens"

S.P. 678 L.D. 1835

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Speaker COLWELL of Gardiner and Senators: CARPENTER of York, President DAGGETT of Kennebec, GAGNON of Kennebec, HALL of Lincoln, MARTIN of Aroostook, STANLEY of Penobscot, Representative: SNOWE-MELLO of Poland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **TREAT** under unanimous consent on behalf of President DAGGETT of Kennebec (Cosponsored by Representative ROSEN of Bucksport and Senators: BRENNAN of Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, TREAT of Kennebec, Representatives: CHURCHILL of Orland, Speaker COLWELL of Gardiner, KANE of Saco, LEDWIN of Holden), the following Joint Resolution:

S.P. 679

JOINT RESOLUTION RECOGNIZING AND SUPPORTING HEALTHY COMMUNITIES

WHEREAS, health is the result of much more than just medical care. People are healthier when they live in nurturing environments and are involved in the life of their communities; and

WHEREAS, Maine citizens have formed Healthy Communities and Planned Approach to Community Health, "PATCH," coalitions across the State to improve the health of their communities; and

WHEREAS, the Healthy Communities and PATCH coalitions are a broad and sharing network of interrelated groups of citizen volunteers consisting of individuals, families, businesses, schools, churches, health care providers, government and others with similar concerns and values on health and community issues; and

WHEREAS, Maine is a leader in establishing a network of healthy communities largely due to the effectiveness of the volunteer leaders and organizations in meeting local health needs; and

WHEREAS, the dedication and efforts of the citizen volunteers deserve our strongest support and encouragement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the ideals and accomplishments of the Healthy Communities and PATCH coalitions on the occasion of Healthy Communities Day, January 28, 2004; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Human Services, Bureau of Health in token of the esteem in which we hold the citizen volunteers of the Healthy Communities and PATCH coalitions.

READ and **ADOPTED.**

Ordered sent down forthwith for concurrence.

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Philip L. Geyelin, of Washington, D.C., a journalist with the Associated Press and the Wall Street Journal and winner of the 1970 Pulitzer Prize for editorial writing while he was the editor of the Op-Ed section of the Washington Post. He was a former president of the Gridiron Club, a former board member of Alliance Françoise and a member of the Overseas Press Club. Mr. Geyelin had a deep appreciation and love for Maine, its natural beauty and its people. He and his family have been longtime summer residents of Mount Desert Island. He gave generously of his time, talent and expertise. His annual summer lectures, delivered at the Claremont Hotel on various aspects of Middle East politics, will be long remembered. At the time of his death, Mr. Geyelin was a member of the Board of Trustees of the College of the Atlantic in Bar Harbor. He is survived by his wife of 54 years, Cecilia "Sherry" Parker Sherman Geyelin, 4 children and 6 grandchildren. We extend our sympathy to them and join them in honoring Philip Geyelin;

SLS 487

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representatives: KOFFMAN of Bar Harbor,
PINGREE of North Haven.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. I rise to tell you a little more about my friend, Phil Geyelin. In addition to what you have just heard of his accomplishments on the world scene, Phil and Sherry were true friends of Maine and of this Senator and his family. I believe that Phil and the rest of his family came to adopt Maine not only for its natural beauty, but more so, in the conversations that I had with him on frequent occasions, for the quality of its people. Of you and me and the rest of the people who populate this great state, our honesty, our hard work, our perseverance in time of difficulty. The Geyelin family extended tremendous generosity to not only the people of Mt. Desert Island, but also to this Senator and his family in times of need. I want to be able to take the opportunity, and I am glad that you have allowed me to do so, to commemorate Phil and to give our warmest sympathies to Sherry and the rest of the family. Thank you, Madame President.

ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Jobs, Trade and Democracy Act" (EMERGENCY)

H.P. 1337 L.D. 1815

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

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

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

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

H.P. 308 L.D. 388

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-623)**.

Signed:

Senator:
BRYANT of Oxford

Representatives:
DUNLAP of Old Town
PINEAU of Jay
WATSON of Bath
WOTTON of Littleton
WHEELER of Kittery
McGLOCKLIN of Embden
RICHARDSON of Greenville

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

Signed:

Senators:
CARPENTER of York
KNEELAND of Aroostook

Representatives:
TOBIN of Dexter
HONEY of Boothbay
TRAHAN of Waldoboro

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-623)**.

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, **TABLED** 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

Senate

Divided Report

Ten members of the Committee on **TAXATION** on Bill "An Act To Improve the Business Equipment Tax Reimbursement Program"
S.P. 316 L.D. 975

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

STANLEY of Penobscot
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
McGOWAN of Pittsfield
McCORMICK of West Gardiner
PERRY of Bangor
CLOUGH of Scarborough
COURTNEY of Sanford
LERMAN of Augusta
TARDY of Newport

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-361)**.

Signed:

Senator:

STRIMLING of Cumberland

Representative:

SIMPSON of Auburn

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-362)**.

Signed:

Representative:

SUSLOVIC of Portland

Reports **READ**.

Senator **STANLEY** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending motion by same Senator to **ACCEPT** Report "A", **OUGHT NOT TO PASS**.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate As Amended

Resolve, Authorizing Germaine Bell To Sue the State

S.P. 567 L.D. 1613
(C "A" S-360)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

ENACTORS

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

Emergency Resolve

Resolve, Extending the Reporting Deadline for the Commission To Study Public Health

H.P. 1346 L.D. 1823

Comes from the House, the Resolve and accompanying papers **INDEFINITELY POSTPONED**.

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

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 (1/21/04) Assigned matter:

HOUSE REPORT - from 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

Report - **Ought to Pass**

Tabled - January 21, 2004, by Senator **TREAT** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, January 20, 2004, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, January 21, 2004, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

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

On motion by Senator **DAMON** of Hancock, **ADJOURNED**, to Thursday, January 29, 2004, at 10:00 in the morning, in memory of and lasting tribute to Philip L. Geyelin of Washington, D.C.