

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 SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
February 4, 2004

Senate called to order by Joy J. O'Brien, Secretary of the Senate.

The Senator from Kennebec, Senator **TREAT**, was appointed to serve as President Pro Tem for the session.

The Secretary requested the Sergeant-At-Arms escort the Senator from Kennebec, Senator **TREAT** to the rostrum where she assumed the duties as President Pro Tem.

Senate called to order by President Pro Tem Sharon A. Treat of Kennebec County.

Prayer by Father Gilbert Patenaude, Retired, of Augusta.

FATHER PATENAUDE: Let us bow our heads in humble prayer. Today we pray, God, to make his face shine upon our Governor so that he will soon recover. United in love and loyalty for our free and beloved country we pray. Almighty God, Father of our nation, bless our country, that it may be a blessing to the world, that our ideals may be in accordance with Your will. Bless our President, our Governor, all the members of this Senate. Give them wisdom, light, and strength. May they be enlightened by God's grace and always fulfill their duties to God and to their country. Grant us justice and charity in our dealings with one another. May we have love for all people and malice towards none. Make us share our blessings with the less fortunate. Give us wisdom in our decisions. Bless and enlighten all those who assume duties of responsibility and leadership. Almighty God, hold our troops in Your loving hands. Protect them as they protect us. Bless them and their families for the selfless acts they perform for us in our time of need. Give them comfort. We are grateful for Your help in days past. We humbly ask You to be with us as we face the problems of the present and the difficulties of the uncertain future. Guide and protect us always. Amen.

Doctor of the day, Edward Pontius, M.D. of Brunswick.

Reading of the Journal of Tuesday, February 3, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Appropriate Funds for World War II and Korean War Memorial Plaques in the Hall of Flags" H.P. 1367 L.D. 1841

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.

COMMUNICATIONS

The Following Communication: H.P. 1368

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

February 3, 2004
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I)(a), I have temporarily appointed Representative Robert W. Duplessie of Westbrook as a member of the Joint Standing Committee on Transportation for the duration of the absence of Representative Ronald E. Usher of Westbrook.

Should you have any questions regarding this matter, please do not hesitate 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.

The Following Communication: S.C. 441

121ST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

January 29, 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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 149 An Act to Transfer Bureau of General Services
School Construction Functions to the Maine
Department of Education

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass S/Rep. Glenn Cummings
Senate Chair House Chair

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

The Following Communication: S.C. 442

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

January 29, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1712 An Act To Promote Equity in Property
Ownership

L.D. 1775 An Act To Require Written Notice of Revocation
of Durable Powers of Attorney

L.D. 1800 An Act To Discourage Misuse of Protection-
from-abuse Proceedings

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

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. William S. Norbert
Senate Chair House Chair

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

The Following Communication: S.C. 443

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

January 29, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1648 An Act Regarding Automobile Dealer
Registration Plates

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Pamela H. Hatch S/Rep. Ronald E. Usher
Senate Chair House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing the Display of Fireworks and Indoor Pyrotechnics"

H.P. 1266 L.D. 1744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-644)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-644)**.

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

READ ONCE.

COMMITTEE AMENDMENT "A" (H-644) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Women's Health Care Coverage for All Maine Women" (EMERGENCY)

H.P. 995 L.D. 1353

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-648)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648)**.

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

READ ONCE.

COMMITTEE AMENDMENT "A" (H-648) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws"

H.P. 1280 L.D. 1758

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-647)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)**.

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

READ ONCE.

COMMITTEE AMENDMENT "A" (H-647) READ and ADOPTED, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Amend the Uniform Federal Lien Registration Act"
H.P. 1278 L.D. 1756

READ A SECOND TIME.

On motion by Senator **GAGNON** of Kennebec, under unanimous consent on behalf of Senator PENDLETON of Cumberland, Senate Amendment "A" (S-375) **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON**: Thank you, Madame President, men and women of the Senate. I'm afraid the secretary just stole my thunder because I was just going to tell everyone that amendment adds the fiscal note to the bill.

On motion by Senator **GAGNON** of Kennebec, under unanimous consent on behalf of Senator PENDLETON of Cumberland, Senate Amendment "A" (S-375) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-375), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

House As Amended

Bill "An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife"

H.P. 441 L.D. 578
(C "A" H-635)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

ENACTORS

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

Act

An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding
H.P. 1097 L.D. 1504

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

Off Record Remarks

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

On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, to Thursday, February 5, 2004, at 10:00 in the morning.