

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
Tuesday
February 10, 2004

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

Prayer by Father Joseph Khoury, Our Lady of Wisdom and St.
Mary's Parishes in Orono.

FATHER KHOURY: Light of truth and of goodness, we begin this session of the Senate directing our thoughts to You. We ask Your guidance, that all here present might pursue what is good and just to the utmost of their abilities. Universal Creator, help those present to gain, from working together, wisdom and understanding. Increase their unity and friendships. Bless their deliberations, that all that they accomplish be for the true benefit of the people of this state. Bless abundantly, God, all here present, that they may faithfully carry out the work entrusted to them. We offer You this, our prayer. Amen.

Pledge of Allegiance led by Senator Karl W. Turner of
Cumberland County.

Doctor of the day, Richard Marino, M.D. of Portland.

Reading of the Journal of Thursday, February 5, 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. 38

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 Barry Dana, Chief, Penobscot Nation an invitation to attend and speak to the state of the Tribes.

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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Joint Order - Directing the Joint Standing Committee on Natural Resources To Report Out Legislation Regarding Clearing Vegetation Adjacent to Protected Natural Resources
S.P. 684

In Senate, February 3, 2004, **READ** and **PASSED**.

Comes from the House, **READ** and **PASSED AS AMENDED BY HOUSE AMENDMENT "A" (H-664)**, in **NON-CONCURRENCE**.

On motion by Senator **MARTIN** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 453

**STATE OF MAINE
121ST LEGISLATURE**

January 13, 2004

Honorable Barry Dana
Chief, Penobscot Nation
6 River Road
Indian Island, ME 04468

Dear Chief Dana:

It is our pleasure to invite you to a Joint Convention of the 121st Legislature on February 10, 2004 at 10:30 a.m. in the Hall of the House of Representatives for the purpose of reporting on the State of the Tribes in Maine.

In addition, we are extending an invitation to Governor Francis and Governor Newall of the Passamaquoddy Tribe, Chief Commander of the Houlton Band of Maliseets and Chief Phillips of the Aroostook Band of Micmacs.

Thank you for your consideration and we look forward to your acceptance of this invitation.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 454

**PENOBSCOT INDIAN NATION
OFFICE OF THE CHIEF AND COUNCIL
COMMUNITY BUILDING
INDIAN ISLAND, MAINE 04468**

February 5, 2004

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

Dear President Daggett:

I am pleased to accept your invitation to address a Joint Convention of the 121st Maine Legislature on Tuesday, February 10, 2004 at 10:30 a.m. in the House Chamber.

Sincerely,

S/Chief Barry Dana
Penobscot Nation

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 447

**121ST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 3, 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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1666 Resolve, To Require Cost Neutrality and Appropriateness of Assisted Living Medication Courses

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

Sincerely,

S/Sen. Michael Brennan
Senate Chair

S/Rep. Thomas J. Kane
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 448

**121ST LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 3, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 854	An Act To Amend the Laws Governing the Operation of All-terrain Vehicles
L.D. 1646	Resolve, To Establish a Demonstration Project To Introduce Grass Carp to Inland Waters
L.D. 1658	Resolve, Requiring the Department of Inland Fisheries and Wildlife To Publish Legal Shooting Times
L.D. 1774	Resolve, To Increase the Types of Legal Fishing on Fish River
L.D. 1796	An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits in High-accident Areas

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Matthew Dunlap
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 449

**121ST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 3, 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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1678 An Act To Guarantee That Consumers Receive
Notification of Insurance Policy Cancellation

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

Sincerely,

S/Sen. Lloyd P. LaFountain III S/Rep. Christopher P. O'Neil
Senate Chair House Chair

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

The Following Communication: S.C. 450

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

February 3, 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. 1039 An Act Concerning Passamaquoddy Indian
Territory in Washington County

L.D. 1737 Resolve, Directing the Secretary of State To
Review Model Legislation To Prevent

Fraudulent Filings under the Uniform
Commercial Code

L.D. 1781 An Act To Amend the Laws Governing
Mechanics' Liens

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. 452

**COMMISSION TO IMPROVE COMMUNITY SAFETY
AND SEX OFFENDER ACCOUNTABILITY**

February 5, 2004

The Honorable Beverly C. Daggett, President
Maine State Senate

The Honorable Patrick Colwell, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Commission to Improve Community Safety and Sex Offender Accountability has completed its work and submitted its report, pursuant to Resolve 2003, chapter 75.

Sincerely,

S/Senator Pamela Henderson Hatch, Senate Chair

S/Representative Sean F. Faircloth, House Chair

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

SENATE PAPERS

**Pursuant to Resolve
Joint Standing Committee on Natural Resources**

Senator MARTIN for the **Joint Standing Committee on Natural Resources**, pursuant to Resolve 2003, chapter 39 and chapter 101, section 3 asked leave to report that the accompanying Bill "An Act To Amend the Bacteria Standard and Dissolved Oxygen Standard for Certain Waters"

S.P. 690 L.D. 1845

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

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

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Relating to Nonprofit Corporations"

H.P. 1283 L.D. 1761

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** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Adjust MaineCare Reimbursement Rates"

H.P. 67 L.D. 59

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-671)**.

Signed:

Representative:

SHIELDS of Auburn

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

Reports **READ**.

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

Off Record Remarks

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers"

H.P. 972 L.D. 1318

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-632)**.

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

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

SECOND READERS

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

Senate

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 635 L.D. 1703

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers"

S.P. 468 L.D. 1410
(C "A" S-377)

Bill "An Act To Amend the Maine Consumer Credit Code Regarding Balloon Payments"

S.P. 602 L.D. 1638
(C "A" S-378)

Bill "An Act To Clarify Membership on Boards of Directors for Maine Financial Institutions" (EMERGENCY)

S.P. 649 L.D. 1717
(C "A" S-376)

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

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by the President.

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 Chief Barry Dana of the Penobscot Nation an invitation to attend the Convention and make such communications as pleases him.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Apportionment of Legislative House Districts 76 and 77"

H.P. 1374 L.D. 1848

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

Senate at Ease.

Senate called to order by the President.

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **BRYANT** of Oxford 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.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, to Wednesday, February 11, 2004, at 10:00 in the morning.