

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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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 25, 2004

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

Prayer by Reverend Elizabeth Bachelder, Highland Avenue
United Methodist Church in Gardiner.

REVEREND BACHELDER: Thank you for the privilege of being
with you, especially today, a holy day for those of us of Christian
faith who embark on the journey of Lent. Please join me in the
spirit of prayer.

Gracious God of all who believe in Your goodness and Your
love, You celebrate with us the gift of each new day. We
acknowledge Your presence with us here in this chamber and we
ask that, in Your mercy, You will guide and uphold the members
of this State Senate as they deliberate on behalf of the men,
women, and children of Maine today. May their hearts be full of
wisdom and courage as they confront the challenges and grasp
the opportunities that are before us in this day and age. We pray
for our leaders, Senate President Daggett, House Speaker
Colwell, and our Governor, John E. Baldacci. We pray especially
for those whom we serve, the people of the State of Maine. May
Your rich blessings continue to be upon us and may we be a
people who are forever thankful in our faith. In Your holy name
we pray. Amen.

Doctor of the day, Lisa Letourneau, M.D. of Scarborough.

Reading of the Journal of Tuesday, February 24, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

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

In Senate, February 10, 2004, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-378).**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-378) AS
AMENDED BY HOUSE AMENDMENT "A" (H-706)** thereto, in
NON-CONCURRENCE.

On motion by Senator **DOUGLASS** of Androscoggin, the Senate
RECEDED and **CONCURRED.**

Non-Concurrent Matter

Bill "An Act To Authorize the Commissioner of Administrative and
Financial Services To Execute Easements"

H.P. 1299 L.D. 1777
(C "A" H-668)

In Senate, February 12, 2004, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-668),** in
concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-668) AND
HOUSE AMENDMENT "A" (H-716),** in **NON-CONCURRENCE.**

On motion by Senator **ROTUNDO** of Androscoggin, the Senate
RECEDED and **CONCURRED.**

House Papers

Bill "An Act To Recruit and Retain College Graduates through
Loan Repayment"

H.P. 1387 L.D. 1864

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

On motion by Senator **DOUGLASS** of Androscoggin,
REFERRED to the Committee on **EDUCATION AND CULTURAL
AFFAIRS** and ordered printed, in concurrence.

**Pursuant to Statute
Department of Professional and Financial Regulation,
Bureau of Insurance**

The **Department of Professional and Financial Regulation,
Bureau of Insurance**, 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
755: Health Insurance Classifications, Disclosure and Minimum
Standards, a Major Substantive Rule of the Department of
Professional and Financial Regulation, Bureau of Insurance
(EMERGENCY)

H.P. 1388 L.D. 1865

Be **REFERRED** to the Committee on **INSURANCE AND
FINANCIAL SERVICES** 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 **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 726

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 24, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Joint Rule 371, I have appointed the following individuals to serve on the *Government Oversight Committee*.

Senator Kenneth Gagnon of Kennebec, Chair
Senator Beverly Daggett of Kennebec
Senator Sharon Treat of Kennebec
Senator Betty Lou Mitchell of Penobscot
Senator Kenneth Lemont of York
Senator David Carpenter of York

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 713

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on
Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on
Judiciary
121ST Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Jadine O'Brien of Portland for appointment as a member of the Maine Human Rights Commission.

Pursuant to Title 5 M.R.S.A. § 4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 714

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121ST Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Samuel Spencer Gulliver of Blue Hill for appointment as a student member of the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 715

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Victoria M. Larson of Auburn for appointment as a member of the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 716

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Elizabeth C. Warren of Bangor for appointment as a member of the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 717

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Dale E. Hartford of Smithfield for appointment as a member of the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 718

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated Robert Peacock of Lubec for appointment as a member of the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett S/Patrick Colwell
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 719

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 23, 2004

Sen. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Education and Cultural Affairs
Rep. Glenn A. Cummings
House Chair, Joint Standing Committee on
Education and Cultural Affairs
121st Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:

Please be advised that Governor John E. Baldacci has nominated William Bullock, Jr. of Orrington for appointment as a member of the Board of Trustees, Maine Maritime Academy.

Pursuant to Public Law 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural Affairs 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 **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: H.P. 1389

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

February 23, 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 Stephen R. Beaudette of Biddeford to serve as a member of the Joint Standing Committee on Business, Research, and Economic Development.

By the same authority, I am pleased to appoint Representative Christopher Rector of Thomaston to serve as a member of the Joint Standing Committee on Marine Resources. I hereby rescind the appointment of Representative Rector to the Joint Standing Committee on Business, Research, and Economic Development.

Further, pursuant to my authority under House Rule 201.1 I (a), I hereby rescind the appointment of Representative Stephen Bowen of Rockport to the Joint Standing Committee on Marine Resources.

Should you have any questions regarding these appointments 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.

The Following Communication: S.C. 465

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 17, 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 bills out "Ought Not to Pass":

- | | |
|-----------|---|
| L.D. 1645 | An Act Regarding Golf Carts Used as Island Vehicles |
| L.D. 1799 | An Act to Ensure Access to Real Property by Owners |

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

Sincerely,

S/Sen. Pamela H. Hatch Senate Chair	S/Rep. Ronald E. Usher House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 466

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

February 17, 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. 1665 | An Act To Require Owners and Operators of Snowmobiles and All-terrain Vehicles To Carry Liability Insurance |
|-----------|---|

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

Sincerely,

S/Sen. Lloyd P. LaFountain III Senate Chair	S/Rep. Christopher P. O'Neil House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE**.

SENATE PAPERS

Bill "An Act To Authorize Department of Transportation Bond Issues in the Amount of \$18,250,000 To Match Available Federal Funds for Improvements to and Development of Highways and Bridges; Airports; Ferry Vessels, Port Facilities and Marine Infrastructure; Rail Corridors and Structures; Intermodal Facilities; and Trail and Pedestrian Facilities"

S.P. 723 L.D. 1875

Sponsored by Senator DAMON of Hancock. (GOVERNOR'S BILL)
Cosponsored by Representative MARLEY of Portland and Senator: SAVAGE of Knox, Representative: McKENNEY of Cumberland.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$16,600,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites, To Provide Municipal Stormwater Management Assistance, To Investigate and Remediate Municipal Brownfields, To Construct and Upgrade Public Water Systems and To Remediate Lead Paint in Low-income Households"

S.P. 724 L.D. 1876

Sponsored by Senator MARTIN of Aroostook. (GOVERNOR'S BILL)
Cosponsored by Representative KOFFMAN of Bar Harbor and Senator: KNEELAND of Aroostook, Representatives: BENNETT of Caribou, COWGER of Hallowell, FISCHER of Presque Isle, YOUNG of Limestone.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Sustain and Improve Maine's Economy"

S.P. 725 L.D. 1877

Sponsored by Senator CATHCART of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Senator BROMLEY of Cumberland and Senators: DAMON of Hancock, TURNER of Cumberland, Representatives: COWGER of Hallowell, CUMMINGS of Portland, RICHARDSON of Brunswick, SULLIVAN of Biddeford.

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

Sent down for concurrence.

Bill "An Act To Extend the Deadline for Reconsideration by Boards of Appeals"

S.P. 720 L.D. 1872

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative McGOWAN of Pittsfield and
Senators: DAVIS of Piscataquis, GAGNON of Kennebec,
GILMAN of Cumberland, KNEELAND of Aroostook, WOODCOCK
of Franklin, YOUNGBLOOD of Penobscot, Representatives:
DUPLESSIE of Westbrook, RICHARDSON of Brunswick.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

Bill "An Act To Amend the Requirements for Status as Publisher
of Legal Notices"

S.P. 721 L.D. 1873

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative McGOWAN of Pittsfield and
Senators: DAVIS of Piscataquis, GAGNON of Kennebec,
GILMAN of Cumberland, KNEELAND of Aroostook, WOODCOCK
of Franklin, Representatives: DUPLESSIE of Westbrook,
RICHARDSON of Brunswick.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED**
to the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Charter of the South Berwick Water
District" (EMERGENCY)

S.P. 722 L.D. 1874

Sponsored by Senator LEMONT of York.
Cosponsored by Representatives: BROWN of South Berwick,
STONE of Berwick.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

On motion by Senator **HALL** of Lincoln, **REFERRED** to the
Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An
Act To Revise the Frequency of Home Health Licensing Surveys"
H.P. 1294 L.D. 1772

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**.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** on Resolve, to Fund Scholarships to the Seeds of
Peace Camp

H.P. 55 L.D. 47

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-704)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Resolve **PASSED TO BE ENGROSSED AS AMENDED
BY COMMITTEE AMENDMENT "A" (H-704)**.

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

READ ONCE.

Committee Amendment "A" (H-704) **READ** and **ADOPTED**, in
concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE
DAY**.

The Committee on **APPROPRIATIONS AND FINANCIAL
AFFAIRS** on Bill "An Act To Support the Regional Library
System"

H.P. 222 L.D. 279

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-703)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-703)**.

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

READ ONCE.

Committee Amendment "A" (H-703) **READ** and **ADOPTED**, in
concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Make Polling Places More Convenient" H.P. 1216 L.D. 1639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698).**

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.

Committee Amendment "A" (H-698) **READ.**

Senator **GAGNON** of Kennebec moved to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-698), in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-698), in concurrence.

The Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in a Certain Parcel of Real Estate Located in the City of Auburn H.P. 1329 L.D. 1807

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-700).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-700).**

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

READ ONCE.

Committee Amendment "A" (H-700) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the Adult Education State Subsidy by a Specific Percentage" H.P. 153 L.D. 194

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-702).**

Signed:

Senators:
CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:
BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
FAIRCLOTH of Bangor
PINGREE of North Haven
ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

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

Signed:

Senator:
TURNER of Cumberland

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-702).**

Reports **READ.**

On motion by Senator **CATHCART** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-702) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits" H.P. 657 L.D. 880

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-633).**

Signed:

Senator:
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:

Senators:
EDMONDS of Cumberland
BLAIS of Kennebec

Representatives:
TREADWELL of Carmel
CRESSEY of Baldwin
NUTTING of Oakland

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 "B" (H-633) AS AMENDED BY HOUSE AMENDMENT "A" (H-715)** thereto.

Reports **READ**.

On motion by Senator **EDMONDS** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates"

H.P. 327 L.D. 419

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

Signed:

Senators:
ROTUNDO of Androscoggin
LAFOUNTAIN of York

Representatives:
McLAUGHLIN of Cape Elizabeth
BUNKER of Kossuth Township
BARSTOW of Gorham
KETTERER of Madison
SUSLOVIC of Portland
STONE of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-631)**.

Signed:

Senator:
GILMAN of Cumberland

Representatives:
PEAVEY-HASKELL of Greenbush
CROSTHWAITE of Ellsworth
BOWEN of Rockport
SUKFORTH of Union

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

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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, in concurrence.

Senate

Ought to Pass

Senator CARPENTER for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies" (EMERGENCY)

S.P. 675 L.D. 1832

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Obtain Substance Abuse Services for Minors"

S.P. 220 L.D. 611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-400)**.

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

READ ONCE.

Committee Amendment "A" (S-400) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine
S.P. 362 L.D. 1090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-402)**.

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

READ ONCE.

Committee Amendment "A" (S-402) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council" (EMERGENCY)
S.P. 641 L.D. 1709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-401)**.

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

READ ONCE.

Committee Amendment "A" (S-401) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State"
S.P. 235 L.D. 671

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-399)**.

Signed:

Senators:

HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
GOODWIN of Pembroke

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

Signed:

Representatives:

CRESSEY of Baldwin
RICHARDSON of Skowhegan

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-399) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require That a Directory Listing of a Commercial Toll-free Number Include an Address"
S.P. 643 L.D. 1711

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

Signed:

Senators:

HALL of Lincoln
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
LUNDEEN of Mars Hill
MOODY of Manchester
BERRY of Belmont
GOODWIN of Pembroke

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-398).**

Signed:

Representatives:

FLETCHER of Winslow
ADAMS of Portland
BLISS of South Portland
RICHARDSON of Skowhegan

(Representative CRESSEY of Baldwin - of the House - abstaining.)

Reports **READ.**

On motion by Senator **HALL** of Lincoln, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

S.P. 667 L.D. 1819

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-396).**

Signed:

Senators:

HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont
BLISS of South Portland
CRESSEY of Baldwin
RICHARDSON of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-397).**

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ.**

On motion by Senator **HALL** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-396)** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-396) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act Regarding Standard Contracts for Assisted Living Services"

H.P. 1145 L.D. 1563

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

House As Amended

Bill "An Act to Ensure Playground Safety"

H.P. 927 L.D. 1253
(C "A" H-693)

Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies
H.P. 987 L.D. 1341
(C "A" H-695)

Bill "An Act To Strengthen the Prohibition against Night Hunting"
H.P. 1238 L.D. 1662
(C "A" H-692)

Bill "An Act To Amend the Law Providing Restitution to Victims of Timber Theft"
H.P. 1260 L.D. 1738
(C "A" H-690)

Bill "An Act To Revise the Minimum Firefighter Safety Standards"
H.P. 1311 L.D. 1789
(C "A" H-691)

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

Senate As Amended

Bill "An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor"

S.P. 373 L.D. 1149
(C "A" S-391)

Bill "An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting"

S.P. 625 L.D. 1693
(S "A" S-393 to C "A" S-385)

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 Measure

An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial

H.P. 1230 L.D. 1652
(C "A" H-673)

The Chair noted the absence of the Senator from Somerset, Senator **HATCH** and further excused the same Senator from today's Roll Call votes.

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons

H.P. 1290 L.D. 1768
(C "A" H-674)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Improve the Ability of Water Utilities To Maintain a Contingency Allowance

H.P. 1272 L.D. 1750
(C "A" H-676)

An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws

H.P. 1273 L.D. 1751

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2005

H.P. 1349 L.D. 1825

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

An Act To Authorize Collaborative Practice for Emergency Contraception

S.P. 376 L.D. 1152

On motion by Senator **WOODCOCK** of Franklin, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Chair noted the absence of the Senator from York, Senator **LAFOUNTAIN** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#243)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, LEMONT, MAYO, MITCHELL, PENDLETON, ROTUNDO, STRIMLING, TREAT, TURNER, THE PRESIDENT – BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, DAVIS, GILMAN, KNEELAND, MARTIN, NASS, SAVAGE, SAWYER, SHOREY, STANLEY, WESTON, WOODCOCK, YOUNGBLOOD

EXCUSED: Senators: HATCH, LAFOUNTAIN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, was **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 Allow MaineCare Reimbursement for Licensed Marriage and Family Therapists To Provide Services to Child Protective Services Clients and Adult Protective Services Clients
H.P. 134 L.D. 175
(C "A" H-675)

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$65,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation; To Fund Capital Improvements to State Parks and Other Historic Public Areas; and To Access \$30,250,000 in Matching Contributions from Public and Private Sources"
H.P. 1395 L.D. 1878

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.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Provide for the Reorganization of the Student Loan Repayment and Forgiveness Programs To Better Meet the Needs of Maine Employers and the Maine Economy
H.P. 1394 L.D. 1871

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

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Prohibit the Sale of Gasoline Containing MTBE"
H.P. 1390 L.D. 1870

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Department of Education, State Board of Education**

The **Department of Education, State Board of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)

H.P. 1393 L.D. 1869

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Department of Human Services**

The **Department of Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services (EMERGENCY)
H.P. 1391 L.D. 1867

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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 **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Commission on Governmental Ethics and Election Practices**

The **Commission on Governmental Ethics and Election Practices**, 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 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)
H.P. 1392 L.D. 1868

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** 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 **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

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 (1/30/04) Assigned matter:

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Authorizing Germaine Bell To Sue the State

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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-360)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - January 30, 2004, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**

(In Senate, January 28, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-360)**.)

(In House, January 29, 2004, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **GAGNON** of Kennebec, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

Senator **MARTIN** of Aroostook 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 Thursday, January 26, 2004, at 10:00 in the morning.