

# 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  
March 9, 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 Rev. Dr. Alice Anderman, First Congregational Church, UCC of Waterville.

**REVEREND ANDERMAN:** Let us pray. Most gracious God, we gather here at the beginning of a new day of work for the Maine State Senate. May the newness of this day fill us with fresh ideas, new visions, and increased energy to do the work that is before us. We join with each other and with the citizens of our State of Maine to better our communities; to promote justice and peace; to remember our children and families. We join with each other and with the citizens of our state to renew the forests; to restore the waters; to care for the plants and wildlife. We join with each other and with the citizens of our state to bring new life to our cities, towns, and communities; to protect our state, its people and its resources; to work for renewal of all life. We join together as many working for the good of all Your people. Grant us wisdom and courage as we lead our state in this new day and into the future. Amen.

Pledge of Allegiance led by Senator Margaret Rotundo of Androscoggin County.

Doctor of the day, Laurel Coleman, M.D. of Manchester.

Reading of the Journal of Thursday, March 4, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Clarify Prequalification Criteria for Public Improvements"

H.P. 1305 L.D. 1783  
(C "A" H-666)

In Senate, February 12, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666) AS AMENDED BY HOUSE AMENDMENT "A" (H-735)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** Unassigned, pending **FURTHER CONSIDERATION**.

COMMUNICATIONS

The Following Communication: S.P. 754

STATE OF MAINE  
121<sup>ST</sup> MAINE LEGISLATURE

March 4, 2004

Sen. Bruce S. Bryant  
Senate Chair, Joint Standing Committee on  
Inland Fisheries and Wildlife  
Rep. Matthew Dunlap  
House Chair, Joint Standing Committee on  
Inland Fisheries and Wildlife  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Bryant and Representative Dunlap:

Please be advised that Governor John E. Baldacci has nominated the Honorable Richard P. Ruhlin of Brewer for appointment as a member of the Atlantic Salmon Board.

Pursuant to Title 12 M.R.S.A. § 9902-A, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife 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 **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

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The Following Communication: S.P. 755

**STATE OF MAINE  
121<sup>ST</sup> MAINE LEGISLATURE**

March 4, 2004

Sen. Dennis S. Damon  
Senate Chair, Joint Standing Committee on  
Marine Resources  
Rep. Thomas D. Bull  
House Chair, Joint Standing Committee on  
Marine Resources  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Damon and Representative Bull:

Please be advised that Governor John E. Baldacci has nominated Michael Danforth of Addison for appointment as a member of the Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. § 6024, this nomination will require review by the Joint Standing Committee on Marine Resources 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 **MARINE RESOURCES**.

Sent down for concurrence.

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The Following Communication: S.P. 756

**STATE OF MAINE  
121<sup>ST</sup> MAINE LEGISLATURE**

March 4, 2004

Sen. Dennis S. Damon  
Senate Chair, Joint Standing Committee on  
Marine Resources  
Rep. Thomas D. Bull  
House Chair, Joint Standing Committee on  
Marine Resources  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Damon and Representative Bull:

Please be advised that Governor John E. Baldacci has nominated Scott Tilton of Rockland for appointment as a member of the Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. §6024, this nomination will require review by the Joint Standing Committee on Marine Resources 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 **MARINE RESOURCES**.

Sent down for concurrence.

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The Following Communication: S.C. 480

**121st LEGISLATURE  
COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

March 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1365    An Act To Assist Maine Educators in Meeting  
the Quality Requirements of the Federal  
Elementary and Secondary Education Act of  
1965

L.D. 1679    An Act To Reimburse School Districts for  
Children in Group Care Facilities

We have also notified the sponsors and cosponsors of each bill listed 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**.

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The Following Communication: S.C. 481

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON TAXATION**

March 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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1664    An Act To Provide an Income Tax Modification  
for the Empowerment Zone Employment Credit

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

Sincerely,

S/Sen. Stephen Stanley  
Senate Chair

S/Rep. David G. Lemoine  
House Chair

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

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The Following Communication:    S.C. 482

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

March 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1812    An Act To Authorize a General Fund Bond  
Issue in the Amount of \$1,000,000 for the  
Renovation of Millinocket Municipal Airport

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

Sincerely,

S/Sen. Mary R. Cathcart  
Senate Chair

S/Rep. Joseph C. Brannigan  
House Chair

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

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The Following Communication:    S.C. 483

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1809    An Act Relating to 48-hour Accident Reports

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

Sincerely,

S/Sen. Pamela H. Hatch  
Senate Chair

S/Rep. Ronald E. Usher  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Authorize Municipalities To Establish Local Tax Relief Programs"

S.P. 752 L.D. 1911

Sponsored by Senator STRIMLING of Cumberland.  
Cosponsored by Representative SUSLOVIC of Portland and  
Senators: BRENNAN of Cumberland, DAMON of Hancock,  
STANLEY of Penobscot, TREAT of Kennebec, Representatives:  
Speaker COLWELL of Gardiner, DUDLEY of Portland, LEMOINE  
of Old Orchard Beach, RICHARDSON of Brunswick.  
Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 205.

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to  
the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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**Pursuant to Public Law and Resolve  
Joint Standing Committee on Taxation**

Senator STANLEY for the **Joint Standing Committee on Taxation**, pursuant to Public Law 2003, chapter 498, section 11 and Resolve 2003, chapter 101, section 3 asked leave to report that the accompanying Bill "An Act To Improve the Viability of Railroads Operating in Maine"

S.P. 757 L.D. 1918

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

Report **READ**.

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass Pursuant to Statute and Resolve**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act"

H.P. 1408 L.D. 1902

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, chapter 35, section 955, subsection 4 and Resolve 2003, chapter 101, section 3.

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**.

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**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Permit Background Checks on Prospective Adoptive Parents"

H.P. 1276 L.D. 1754

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-728)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-728)**.

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

**READ ONCE**.

Committee Amendment "A" (H-728) **READ** and **ADOPTED**, in concurrence.

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

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**Senate**

**Change of Committee**

Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Creating the Central Maine Regional Public Safety Communication Center"

S.P. 615 L.D. 1683

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

Sent down for concurrence.

---

**Ought to Pass**

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Remove the Designation of the Lake Christopher Wildlife Management Area as a Wildlife Management Area"

S.P. 685 L.D. 1842

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 Improve Awareness of Meningococcal Disease"

S.P. 617 L.D. 1685

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-418).**

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

**READ ONCE.**

Committee Amendment "A" (S-418) **READ** and **ADOPTED**.

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

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Senator LAFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Delay the Implementation of Restrictions on Information on Electronically Printed Receipts" (EMERGENCY)

S.P. 694 L.D. 1854

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-420).**

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

**READ ONCE.**

Committee Amendment "A" (S-420) **READ** and **ADOPTED**.

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

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Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 626 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-419).**

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

**READ ONCE.**

Committee Amendment "A" (S-419) **READ** and **ADOPTED**.

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

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#### Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State"

S.P. 356 L.D. 1025

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417).**

Signed:

Senators:

BROMLEY of Cumberland  
HALL of Lincoln  
SHOREY of Washington

Representatives:

SULLIVAN of Biddeford  
ROGERS of Brewer  
SMITH of Monmouth  
PELLON of Machias  
JACOBSEN of Waterboro  
BERUBE of Lisbon  
AUSTIN of Gray  
RECTOR of Thomaston  
O'BRIEN of Lewiston

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

Signed:

Representative:

DUPREY of Medway

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (S-417) **READ** and **ADOPTED**.

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

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

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#### SECOND READERS

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

#### House

Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1359 L.D. 1834

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

**House As Amended**

Bill "An Act To Promote Responsible Pet Ownership"

H.P. 1285 L.D. 1763  
(C "A" H-727)

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

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**Senate As Amended**

Bill "An Act To Increase the Bond Limit of the Maine Turnpike Authority"

S.P. 214 L.D. 605  
(C "A" S-411)

Bill "An Act To Simplify the Maine Turnpike Authority's Enforcement Procedures for Toll Violations"

S.P. 637 L.D. 1705  
(C "A" S-412)

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

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act To Authorize Licensure by Endorsement for Canadian Dentists and Dental Hygienists

H.P. 1258 L.D. 1736  
(C "A" H-708)

This being an Emergency Measure 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Acts**

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)

An Act To Amend the Random Drug Testing Laws

H.P. 1282 L.D. 1760  
(C "A" H-711)

An Act To Amend the Maine Emergency Medical Services Act of 1982

H.P. 1284 L.D. 1762  
(C "A" H-709)

An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources

H.P. 1361 L.D. 1837

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

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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)

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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An Act To Provide for Fair Treatment of Taxpayers

H.P. 1291 L.D. 1769  
(C "A" H-699)

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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An Act Concerning Disability Retirement Benefits under the Maine State Retirement System

H.P. 1336 L.D. 1814  
(C "A" H-710)

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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**Resolve**

Resolve, Directing the Department of Labor to Collect Certain Data Involving Retirees Receiving Social Security or Other Pensions

H.P. 657 L.D. 880  
(H "A" H-715 to C "B" H-633)

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



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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Establish the Department of Health and Human Services"

H.P. 1414 L.D. 1913

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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 Implement the Recommendations of the Governor's Task Force on ATV Issues"

H.P. 1413 L.D. 1912

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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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 Economic and Community Development**

The **Department of Economic and Community Development**, pursuant to Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic Development (EMERGENCY)

H.P. 1415 L.D. 1914

Be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

**Pursuant to Statute  
Legislative Youth Advisory Council**

The **Legislative Youth Advisory Council**, pursuant to the Maine Revised Statutes, Title 3, section 168-A, subsection 1, paragraph E asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council"

H.P. 1419 L.D. 1917

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 Bill **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  
Revisor of Statutes**

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1418 L.D. 1916

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** 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 Public Law and Resolve Joint Standing Committee of Inland Fisheries and Wildlife**

The **Joint Standing Committee of Inland Fisheries and Wildlife**, pursuant to Public Law 2003, chapter 414, Part D, section 5 and Resolve 2003, chapter 101, section 3 asked leave to report that the accompanying Bill "An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws"

H.P. 1421 L.D. 1920

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

#### **COMMUNICATIONS**

The Following Communication: S.C. 484

#### **121<sup>ST</sup> LEGISLATURE SENATE OF MAINE OFFICE OF THE PRESIDENT**

March 9, 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 Senate Rule 201.3, I have appointed Senator Sharon Anglin Treat to serve as President Pro Tempore in my absence. Senator Treat will serve in this capacity until my return.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett  
President of the Senate

**READ** and **ORDERED PLACED ON FILE.**

---

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

#### **ORDERS OF THE DAY**

##### **Unfinished Business**

The following matters 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 (2/5/04) Assigned matter:

HOUSE REPORTS - from the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

H.P. 470 L.D. 640

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-637)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - February 5, 2004, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, February 4, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-637).**)

(In Senate, February 5, 2004, Reports **READ**.)

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#250)**

YEAS: Senators: **BRENNAN, BROMLEY, BRYANT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, MARTIN, MAYO, MITCHELL, ROTUNDO, STANLEY, STRIMLING, WOODCOCK, THE PRESIDENT PRO TEM – SHARON A. TREAT**

NAYS: Senators: **BENNETT, BLAIS, CARPENTER, CATHCART, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, NASS, PENDLETON, SAVAGE, SAWYER, TURNER, WESTON, YOUNGBLOOD**

ABSENT: Senator: **SHOREY**

EXCUSED: Senator: **DAGGETT**

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-637) **READ** and **ADOPTED**, in concurrence.

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

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The Chair laid before the Senate the following Tabled and Later (2/12/04) Assigned matter:

Bill "An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses"

H.P. 486 L.D. 656  
(C "A" H-636)

Tabled - February 12, 2004, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, January 29, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636).**)

(In Senate, February 12, 2004, **READ A SECOND TIME.**)

On motion by Senator **MARTIN** of Aroostook, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-636).

On further motion by same Senator, Senate Amendment "A" (S-421) to Committee Amendment "A" (H-636) **READ.**

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. As you are obviously aware, over the years I've been opposed to this legislation, but it is clear that this legislation has the votes to become enacted into law. Following the discussion the last time we discussed the bill I received a phone call from the Department of Human Services, who hadn't paid much attention because they were thinking the bill would be defeated again. They were concerned with one aspect of the legislation. I indicated that I would sponsor the amendment to go onto the bill that, from their point of view and mine, solves the problem of what happens when people are going to be drinking beverages around the golf course and have no place where they can go, except in the woods. They were concerned about that. Frankly, that was something that I had never thought of. After talking to the industry and some people from the golf courses, in many cases they have already dealt with this issue and they do not have a problem with the amendment. That is why I am offering the amendment today.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#251)**

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, DAVIS, EDMONDS, GILMAN, HALL, HATCH, KNEELAND, MARTIN, MAYO, NASS, SAVAGE, SAWYER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

NAYS: Senators: BLAIS, CARPENTER, CATHCART, DAMON, DOUGLASS, GAGNON, LAFOUNTAIN, LEMONT, MITCHELL, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TURNER, WESTON

ABSENT: Senator: SHOREY

EXCUSED: Senator: DAGGETT

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the motion by Senator **MARTIN** of Aroostook to **ADOPT** Senate Amendment "A" (S-421) to Committee Amendment "A" (H-636), **PREVAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#252)**

YEAS: Senators: BLAIS, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, GAGNON, GILMAN, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

NAYS: Senators: BENNETT, BRENNAN, EDMONDS, HALL, NASS, ROTUNDO, SAWYER, WOODCOCK

ABSENT: Senator: SHOREY

EXCUSED: Senator: DAGGETT

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, Committee Amendment "A" (H-636) as Amended by Senate Amendment "A" (S-421) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#253)**

YEAS: Senators: BLAIS, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, GAGNON, GILMAN, HATCH, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, PENDLETON, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, YOUNGBLOOD

NAYS: Senators: BENNETT, BRENNAN, EDMONDS, HALL, KNEELAND, NASS, ROTUNDO, SAWYER, WOODCOCK, THE PRESIDENT PRO TEM – SHARON A. TREAT

ABSENT: Senator: SHOREY

EXCUSED: Senator: DAGGETT

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636) AS AMENDED BY SENATE AMENDMENT "A" (S-421)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/25/04) Assigned matter:

Bill "An Act To Make Polling Places More Convenient"  
H.P. 1216 L.D. 1639

Tabled - February 25, 2004, by Senator **GAGNON** of Kennebec

Pending - motion by same Senator to **INDEFINITELY POSTPONE** Committee Amendment "A" (H-698), in concurrence

(In House, February 24, 2004, **PASSED TO BE ENGROSSED**.)

(In Senate, February 25, 2004, Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-698) **READ**.)

On motion by Senator **GAGNON** of Kennebec, Committee Amendment "A" (H-698) **INDEFINITELY POSTPONED**, in concurrence.

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

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The Chair laid before the Senate the following Tabled and Later (3/4/04) Assigned matter:

Bill "An Act To Make Emergency Changes to Recent Law"  
(EMERGENCY)

H.P. 1404 L.D. 1897

Tabled - March 4, 2004, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In House, March 2, 2004, **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In Senate, March 4, 2004, **READ A SECOND TIME**.)

On motion by Senator **PENDLETON** of Cumberland, Senate Amendment "A" (S-416) **READ**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Pendleton.

Senator **PENDLETON**: Thank you, Madame President. Just so everyone knows what we are doing here, this is an amendment to the errors bill. The amendment clarifies the application of Public Law 2003, chapter 456. This was an act to protect against unfair prescription drug prices. What happened in the original bill is that it did not specify how the law would apply to previously entered contracts. What this amendment does is allows those contracts that were not already settled to have a date certain set back so that they can have time to not be caught in-between. Thank you.

On further motion by Senator **PENDLETON** of Cumberland, Senate Amendment "A" (S-416) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-416), in NON-CONCURRENCE.**

Sent down for concurrence.

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

#### **PAPERS FROM THE HOUSE**

##### **House Paper**

##### **Pursuant to Resolve**

##### **Commission to Study the Scope and Quality of Citizenship Education**

The **Commission to Study the Scope and Quality of Citizenship Education**, pursuant to Resolve 2003, chapter 85, section 8 and chapter 101, section 3 asked leave to report that the accompanying Resolve, To Implement the Recommendations of the Commission To Study the Scope and Quality of Citizenship Education

H.P. 1417 L.D. 1915

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.

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

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Senate at Ease.

Senate called to order by President Pro Tem  
**SHARON A. TREAT** of Kennebec County.

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Off Record Remarks

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Senator **HATCH** of Somerset was granted unanimous consent to address the Senate off the Record.

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

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

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