

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Regular Session
December 4, 2004 to March 30, 2005

Pages 1 - 410

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

In Senate Chamber
Thursday
February 24, 2005

Senate called to order by President Beth Edmonds of
Cumberland County.

Prayer by Reverend Kathi Smith of Gardiner Congregational
Church, UCC.

REVEREND SMITH: Let us pray. Gracious God, we gather here today thankful for the blessings You have bestowed upon us as a people. Thank You for giving us this new day filled with new challenges and new opportunities to serve You and the people of Maine. Help us to be wise as Solomon, as courageous as young David, and as faithful as Ruth. God of all, as Your appointed stewards, we are to care for all of Your creations and for each other. We know that to whom much is given, much is expected, and so we pray for Your presence with those who seek to serve in chambers such as this one today and in chambers like this around our country and our world. Be ever present among our leaders, that they may be granted an understanding of views not shared, that they may see opportunities to work together to achieve new and creative solutions that preserve the freedom and dignity of all people. Clear our eyes, open our ears, and give our hearts strength for this day. We pray for Your guidance now and always. Amen.

Reading of the Journal of Tuesday, February 22, 2005.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

H.P. 224 L.D. 299

In House, January 27, 2005, **FINALLY PASSED.**

In Senate, February 3, 2005, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED.**

On motion by Senator **DAMON** of Hancock, **TABLED 1** Legislative Day, pending **FURTHER CONSIDERATION.**

House Papers

Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash

H.P. 653 L.D. 934

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries"

H.P. 626 L.D. 876

Bill "An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland"

H.P. 645 L.D. 926

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Require That the Name and Address of an Owner of a Limited Liability Company Be in the Articles of Organization"

H.P. 643 L.D. 924

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Extend Registration for Violent Sex Offenders"
H.P. 622 L.D. 872

Bill "An Act To Amend the Laws Governing Concealed Firearms Permits"
H.P. 624 L.D. 874

Bill "An Act Amending Public Notification Laws for Sex Offenders Living Near Schools and Day-care Centers"
H.P. 638 L.D. 919

Bill "An Act To Decrease the Burden on Jails and Improve Treatment for People Living with Mental Illness by Fostering Jail Diversion"
H.P. 646 L.D. 927

Resolve, To Establish the Commission To Study the Commitment Process for Persons Adjudged Not Criminally Responsible (EMERGENCY)
H.P. 647 L.D. 928

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

Bill "An Act To Change the Procedure When a Maine School Administrative District Budget Fails"
H.P. 625 L.D. 875

Bill "An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics"
H.P. 640 L.D. 921

Bill "An Act To Ensure Equitable Treatment of Students by Private Secondary Schools with a Majority of Students Funded by the State"
H.P. 650 L.D. 931

Bill "An Act To Amend Adjustments to Transportation Costs under the School Funding Formula"
H.P. 661 L.D. 951

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

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

Bill "An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime"
H.P. 623 L.D. 873

Bill "An Act To Allow Hunting on Sunday for Resident Landowners"
H.P. 636 L.D. 917

Resolve, To Begin and End the Fall Wild Turkey Hunting Season One Week Earlier
H.P. 642 L.D. 923

Bill "An Act To Allow Hunters in Maine To Take 2 Deer per Year"
H.P. 654 L.D. 935

Bill "An Act To Amend the Law Pertaining to All-terrain Vehicle Violations"
H.P. 659 L.D. 940

Come 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.

Bill "An Act To Help Home Day Care Providers Obtain Homeowners and Liability Insurance"
H.P. 628 L.D. 909

Bill "An Act To Require Insurance Companies To Provide Truthful Information"
H.P. 639 L.D. 920

Bill "An Act Regarding Insurance Payments When an Automobile Is Totaled"
H.P. 641 L.D. 922

Bill "An Act To Amend the Maine Life and Health Insurance Guaranty Association Act"
H.P. 652 L.D. 933

Come from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Protect Homosexuals from Discrimination"
H.P. 627 L.D. 908

Bill "An Act To Include Regional Transportation Systems under the Maine Tort Claims Act"
H.P. 629 L.D. 910

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 24, 2005

Bill "An Act To Provide for the Payment of Attorney's Fees in a Parental Rights and Responsibilities Action"

H.P. 637 L.D. 918

Bill "An Act To Clearly Identify Maine Corporations"

H.P. 651 L.D. 932

Bill "An Act To Amend the Maine Tort Claims Act"

H.P. 655 L.D. 936

Come from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act Regarding Noncompete Agreements"

H.P. 631 L.D. 912

Bill "An Act To Amend the Workers' Compensation Medical Fee Schedule To Include Hospital Charges"

H.P. 635 L.D. 916

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

Bill "An Act To Prohibit Campaign Expenditures except during an Established Campaign Season"

H.P. 633 L.D. 914

Bill "An Act To Create Freedom of Citizen Information Regarding Ballot Questions and Political Action Committees"

H.P. 648 L.D. 929

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Preserve the Integrity of the Citizen-initiated Petition Process

H.P. 658 L.D. 939

Bill "An Act To Regulate Political Advertising"

H.P. 662 L.D. 952

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

Bill "An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products" (EMERGENCY)

H.P. 660 L.D. 941

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Resolve, To Restore the Atlantic Salmon Population on the Pleasant River

H.P. 657 L.D. 938

Come from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Fairly Apportion the Cost of Sheriff Patrol Services"

H.P. 644 L.D. 925

Resolve, To Study the Feasibility of Dividing Maine into 2 States

H.P. 656 L.D. 937

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Promote Green Power Use at State Buildings"

H.P. 632 L.D. 913

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **UTILITIES AND ENERGY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Maintain Traditional Recreational Uses in Maine's Forests"

H.P. 602 L.D. 851

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

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

Bill "An Act To Honor Air Force Veterans"

H.P. 630 L.D. 911

Bill "An Act To Amend the Motor Vehicle Habitual Offender Law"

H.P. 634 L.D. 915

Bill "An Act To Amend the Procedure for Election of the Casco Bay Island Transit District Board"

H.P. 649 L.D. 930

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 78

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

February 15, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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 bills out "Ought Not to Pass":

L.D. 264 An Act To Repeal the Property Tax Exemption for State and Municipal Property

L.D. 306 An Act To Create the Family Technology Tax Credit

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

Sincerely,

S/Sen. Joseph Charles Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 79

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

February 22, 2005

The Honorable Beth Edmonds
Senate President
122nd Maine Legislature
3 State House Station
Augusta, ME 04333

The Honorable John Richardson
Speaker of the House
122nd Maine Legislature
2 State House Station
Augusta, ME 04333

RE: Petroleum Market Share Act/Annual Report to the Legislature

Dear Speaker Richardson and President Edmonds:

Enclosed, in accordance with the provisions of 10 M.R.S.A. § 1677, is the Attorney General's Annual Report to the Legislature concerning levels of concentration in Maine's retail petroleum markets.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any questions in this regard.

Sincerely,

S/Francis Ackerman
Chief, Public Protection Division

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

SENATE PAPERS

Bill "An Act To Transfer Responsibility of Potato Marketing Matters to the Maine Potato Board"

S.P. 342 L.D. 1002

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative LUNDEEN of Mars Hill and Senator: CLUKEY of Aroostook, Representatives: CHURCHILL of Washburn, EDGECOMB of Caribou, FISCHER of Presque Isle, JACKSON of Fort Kent, PARADIS of Frenchville, SHERMAN of Hodgdon, SMITH of Van Buren.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories"

S.P. 337 L.D. 997

Sponsored by Senator GAGNON of Kennebec. (GOVERNOR'S BILL)
Cosponsored by Representative PATRICK of Rumford and Senator: MARTIN of Aroostook, Representatives: BLANCHETTE of Bangor, BRANNIGAN of Portland, FISCHER of Presque Isle, HOTHAM of Dixfield, TUTTLE of Sanford, VALENTINO of Saco.

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System"

S.P. 339 L.D. 999

Sponsored by Senator SCHNEIDER of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Representative FISCHER of Presque Isle and Senators: BRENNAN of Cumberland, MILLS of Somerset, Representatives: CAIN of Orono, DAVIS of Falmouth, EDGECOMB of Caribou.

Bill "An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries"

S.P. 340 L.D. 1000

Sponsored by Senator BRYANT of Oxford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint"

S.P. 341 L.D. 1001

Sponsored by Senator COWGER of Kennebec. (GOVERNOR'S BILL)

Cosponsored by Representative: KOFFMAN of Bar Harbor.

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

Sent down for concurrence.

Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code

S.P. 333 L.D. 993

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative FLOOD of Winthrop and Senators: GAGNON of Kennebec, ROSEN of Hancock, TURNER of Cumberland, WOODCOCK of Franklin, Representative: FITTS of Pittsfield.

Bill "An Act To Increase Access to Dental Care by Accepting All Regional Board Examinations for Initial Licensure of Dentists"

S.P. 334 L.D. 994

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative CLARK of Millinocket.

Bill "An Act To Modify the Transition Provision for Renewal of Social Worker Licenses" (EMERGENCY)

S.P. 350 L.D. 1010

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative BEAUDETTE of Biddeford and Senators: BRENNAN of Cumberland, DOW of Lincoln, HOBBS of York, STRIMLING of Cumberland, Representatives: PERRY of Calais, RECTOR of Thomaston, SMITH of Monmouth.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 24, 2005

Resolve, To Allow the Somerset County Jail To Be Built within
One Mile of the County Seat (EMERGENCY)
S.P. 330 L.D. 990

Sponsored by Senator MILLS of Somerset.
Cosponsored by Representative CURTIS of Madison and
Senator: DAVIS of Piscataquis, Representatives: FINCH of
Fairfield, FITTS of Pittsfield, PINEAU of Jay, PINKHAM of
Lexington Township, RICHARDSON of Skowhegan, STEDMAN
of Hartland, THOMAS of Ripley.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
suggested and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Resolve, To Study the Insured Value Factor in School Tuition
S.P. 329 L.D. 989

Sponsored by Senator ANDREWS of York.

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to
the Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Amend Certain Fish and Wildlife Laws"
S.P. 344 L.D. 1004

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Senator: WOODCOCK of Franklin,
Representatives: CEBRA of Naples, LUNDEEN of Mars Hill,
MOODY of Manchester, RICHARDSON of Carmel, WHEELER of
Kittery.
Submitted by the Department of Inland Fisheries and Wildlife
pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Amend the Maine Revised Uniform Limited
Partnership Act"
S.P. 326 L.D. 986

Sponsored by Senator HOBBS of York.
Cosponsored by Representative PELLETIER-SIMPSON of
Auburn.

Bill "An Act To Modify Joint and Several Liability"
S.P. 346 L.D. 1006

Sponsored by Senator NASS of York.

On motion by Senator **HOBBS** of York, **REFERRED** to the
Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Conform Maine Employment Security Law with the
Federal SUTA Dumping Prevention Act of 2004"
S.P. 335 L.D. 995

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative HALL of Holden and Senator:
HOBBS of York, Representatives: CLARK of Millinocket,
CRESSEY of Cornish, DUPLESSIE of Westbrook, HOTHAM of
Dixfield, HUTTON of Bowdoinham, PERRY of Calais.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Resolve, Establishing the Commission To Study Medical
Expenses Under the Maine Workers' Compensation Act of 1992
(EMERGENCY)

S.P. 336 L.D. 996

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: ANDREWS of York, COURTNEY of
York, MILLS of Somerset, Representatives: FAIRCLOTH of
Bangor, MILLS of Farmington, TARDY of Newport.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Resolve, To Establish an Apprenticeship Program for
Shipbuilders
S.P. 345 L.D. 1005

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative PINGREE of North Haven and
Senators: DAMON of Hancock, DOW of Lincoln, HOBBS of
York, RAYE of Washington, Representatives: BEAUDETTE of
Biddeford, PERRY of Calais, RECTOR of Thomaston, SMITH of
Monmouth.

Committee on **LABOR** suggested and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until
Later in Today's Session, pending **REFERENCE**.

LEGISLATIVE RECORD - SENATE, THURSDAY, FEBRUARY 24, 2005

Bill "An Act To Eliminate Certain Limitations in the Siting of Agency Liquor Stores"

S.P. 347 L.D. 1007

Sponsored by Senator NASS of York.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Restore Municipal Authority To Review Development Using Flexible Standards"

S.P. 331 L.D. 991

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Reform County Governance"

S.P. 332 L.D. 992

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee"

S.P. 343 L.D. 1003

Sponsored by Senator SNOWE-MELLO of Androscoggin. Cosponsored by Senator ROTUNDO of Androscoggin and Senator: NUTTING of Androscoggin, Representatives: CEBRA of Naples, LANSLEY of Sabattus, RICHARDSON of Greenville.

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

Sent down for concurrence.

Resolve, Directing the Bureau of Revenue Services To Review the Law Governing the Taxation of Corporate Income

S.P. 327 L.D. 987

Sponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Amend the Maine Tree Growth Tax Law"

S.P. 328 L.D. 988

Sponsored by Senator DAVIS of Piscataquis. Cosponsored by Representative CARR of Lincoln and Senators: COURTNEY of York, DAMON of Hancock, HASTINGS of Oxford, NASS of York, NUTTING of Androscoggin, RAYE of Washington, WESTON of Waldo, WOODCOCK of Franklin.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residency of the Owner

S.P. 349 L.D. 1009

Sponsored by Senator TURNER of Cumberland. Cosponsored by Senators: COURTNEY of York, DAMON of Hancock, WOODCOCK of Franklin, Representatives: CLOUGH of Scarborough, DAVIS of Falmouth.

Bill "An Act To Establish the Maine Taxpayers' Bill of Rights"

S.P. 351 L.D. 1011

Sponsored by Senator ANDREWS of York. Cosponsored by Representative LEWIN of Eliot and Senators: COURTNEY of York, PLOWMAN of Penobscot, Representatives: BOWEN of Rockport, CROSTHWAITE of Ellsworth, JOY of Crystal, KAELIN of Winterport, NUTTING of Oakland, TARDY of Newport.

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

Sent down for concurrence.

Bill "An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements"

S.P. 338 L.D. 998

Sponsored by Senator DAMON of Hancock. (GOVERNOR'S BILL) Cosponsored by Representative SAMPSON of Auburn and Senators: ROSEN of Hancock, SAVAGE of Knox, Representatives: BROWNE of Vassalboro, COLLINS of Wells, HOGAN of Old Orchard Beach, MAZUREK of Rockland, McKENNEY of Cumberland, PARADIS of Frenchville.

Committee on **TRANSPORTATION** suggested and ordered printed.

On motion by Senator **DAMON** of Hancock, **TABLED 1** Legislative Day, pending **REFERENCE**.

Resolve, To Establish a Study Commission To Analyze Regulations Applicable to Sewer Districts

S.P. 348 L.D. 1008

Sponsored by Senator NASS of York.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act To Enhance Highway Safety"

H.P. 171 L.D. 232

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

SECOND READERS

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

House

Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

H.P. 13 L.D. 8

Bill "An Act To Provide for the Efficient Administration of Family Development Accounts"

H.P. 27 L.D. 24

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

House As Amended

Bill "An Act To Amend the Membership of the InforME Board"

H.P. 77 L.D. 101
(C "A" H-22)

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

Senate

Bill "An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME" (EMERGENCY)

S.P. 109 L.D. 347

Bill "An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan" (EMERGENCY)

S.P. 120 L.D. 373

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, Authorizing the City of Gardiner To Refinance Certain Temporary Bond Anticipation Notes Issued for Its Wastewater Project

H.P. 102 L.D. 126

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, To Designate a Certain Intersection in Sidney as the Trooper Jeffrey S. Parola Memorial

H.P. 114 L.D. 163

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President. I rise today to address the members of the Senate regarding this resolve. Trooper Parola started in Hampden as a police officer and served us very well. He came from the Dexter area and his dad is a wonderful man that I've met. He left behind a very young wife, who was very young when he was killed in the line of duty

as a State Trooper. I remember the day that we added his name to the memorial down the street. It was a very sad day. I urge you to support this resolve, and Madame President, today could we adjourn in memory of Trooper Jeffrey Parola.

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 Papers

Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Develop a Plan To Create a Regional Recreation Center in the Town of Blue Hill

H.P. 669 L.D. 959

Bill "An Act To Establish the Agricultural Water Management Fund"

H.P. 671 L.D. 961

Bill "An Act To Amend the Laws Governing Dogs at Large"

H.P. 677 L.D. 967

Bill "An Act To Fight Sprawl and Ensure That Public Lands Are Equitably Distributed"

H.P. 701 L.D. 1017

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding To Cover the Costs of Mailings to Armed Forces Personnel Stationed Overseas" (EMERGENCY)

H.P. 668 L.D. 958

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds To Support Economic Development"

H.P. 679 L.D. 969

Bill "An Act To Authorize a General Fund Bond Issue for Shared-use Trails"

H.P. 681 L.D. 971

Bill "An Act To Create Entrepreneurship Internships for Maine High School and College Students"

H.P. 685 L.D. 975

Bill "An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy"

H.P. 704 L.D. 1020

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **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 Papers

Bill "An Act To Prevent Identity Theft"

H.P. 666 L.D. 956

Bill "An Act To Limit Faxes from Telemarketers"

H.P. 667 L.D. 957

Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones

H.P. 674 L.D. 964

Resolve, Directing the Department of Economic and Community Development To Develop a Clearinghouse of Maine Businesses That Contract Out Work for Completion Off-site within the State

H.P. 698 L.D. 1014

Resolve, To Increase Small Business Access to State Contracts

H.P. 699 L.D. 1015

Bill "An Act Regarding Dental Hygienists and Public Health Supervision Status"

H.P. 700 L.D. 1016

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Improve Sentencing for Serious Offenders"
H.P. 680 L.D. 970

Bill "An Act To Require a Criminal Background Check for the
Initial Licensure of Emergency Medical Services Personnel"
H.P. 702 L.D. 1018

Come from the House, **REFERRED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY and ordered
printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Fund Youth Mentoring Programs"
H.P. 689 L.D. 979

Bill "An Act To Change the Name of the Governor Baxter School
for the Deaf"
H.P. 691 L.D. 981

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

On motion by Senator **MITCHELL** of Kennebec, **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 Papers

Bill "An Act To Make Fairs and Festivals Safer for Children"
H.P. 664 L.D. 954

Bill "An Act To Improve Access to Ambulatory Diabetes Education
and Follow-up"
H.P. 697 L.D. 1013

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

On motion by Senator **MAYO** of Sagadahoc, **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 Papers

Resolve, To Make the Moose Hunting Season 2 Consecutive
Weeks
H.P. 663 L.D. 953

Bill "An Act To Enhance the Safety of Whitewater Rafters"
(EMERGENCY)
H.P. 686 L.D. 976

Bill "An Act To Create a Civil Violation for Operating a
Snowmobile Left of Center"
H.P. 687 L.D. 977

Bill "An Act To Distribute Fees from All-terrain Vehicle
Registrations" (EMERGENCY)
H.P. 690 L.D. 980

Come 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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Conform the Insurance Information and Privacy
Protection Act to Federal Privacy Rules"
H.P. 676 L.D. 966

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL 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 Papers

Bill "An Act To Codify Unallocated Law Regarding the Maine State Retirement System"

H.P. 672 L.D. 962

Bill "An Act To Set Standards for Electronic Methods Used for Wage Payment"

H.P. 673 L.D. 963

Bill "An Act To Allow State Employees To Participate in a Deferred Retirement Option Program"

H.P. 688 L.D. 978

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** 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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Imposition of Any New or Increased Tax or Fee through the Citizen Initiative Process

H.P. 678 L.D. 968

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide a \$5,000 Property Tax Exemption to Veterans, Regardless of Home Value

H.P. 675 L.D. 965

Bill "An Act To Exempt Military Pensions for Future Military Retirees from State Income Tax"

H.P. 682 L.D. 972

Bill "An Act To Increase the Tax Imposed on Lodging"

H.P. 703 L.D. 1019

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** 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 Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State

H.P. 670 L.D. 960

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** 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 Revise the Charter of the Kennebunk Sewer District"

H.P. 692 L.D. 982

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Make Technical Changes to the Maine Criminal Code"

H.P. 693 L.D. 983

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Amend the Crime of Escape"

H.P. 694 L.D. 984

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Amend Appellate Review Jurisdiction of the Superior Court"
H.P. 695 L.D. 985

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 **HOBBS** of York, **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

Joint Order

The following Joint Order:

H.P. 705

ORDERED, the Senate concurring, that when the House and Senate adjourn, they do so until Tuesday, March 1, 2005, at 10 o'clock in the a morning.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Today Assigned matter:

Bill "An Act To Allow the Shipment of Cigars into Maine"
S.P. 325 L.D. 950

Tabled - February 22, 2005, by Senator **HOBBS** of York

Pending - **REFERENCE**

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator Rotundo of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 1, 2005, at 10:00 in the morning, in memory of and lasting tribute to the Honorable Georgette Berube of Lewiston.