

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

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

In Senate Chamber
Monday
April 4, 2005

In compliance with a proclamation of Governor **JOHN E. BALDACCI**, the Senators convened in the Senate Chamber at 11:00 o'clock in the morning and were called to order by President Pro Tem **KENNETH T. GAGNON** of Kennebec County.

Prayer by Reverend Anna C. Beach of the Pleasant Street United Methodist Church in Waterville.

REVEREND BEACH: Let us be in the spirit of prayer. Loving Creator God, we thank You for the beauty of this state we call home, from the rock bound coast to the north woods and all the miles in between. We come before You today as Your humble servants. We thank You for the many talents you have bestowed upon Your people in this august body. Guide each individual to use his or her talents with wisdom and justice, remembering the needs of their constituents throughout this wonderful state.

We pray especially for our Roman Catholic brothers and sisters who are grieving the loss of Pope John Paul II and we thank You for his exemplary life.

Many of our communities face the potential of rivers overflowing their banks from the past few days of warmer spring temperatures and heavy rains. We know this is a part of nature's plan. We ask only that there be no loss of life and minimal damage to the environment, homes, and businesses adjoining these swollen rivers and streams.

This session of the legislature has faced many difficult decisions, affecting the lives of people from many walks of life in Maine. Decisions have been made that have produced feelings of a positive nature for many and at the same time have been disturbing to others. Enable each one of us, as citizens of this great state, to be willing to cooperate with one another to work through whatever differences we may have.

There are issues facing Maine that will have serious consequences on our economy and the ability of people to find jobs in their communities. We watch with apprehension as the federal government makes decisions on the closing of military bases. We pray each day that the rate of mills and factories shutting down will decrease and that new businesses will be found to stem the flow of the loss of young people from Maine.

We ask Your blessing upon each Senator here as well as for other members of the state legislature and their staff. We also offer our prayers for Governor Baldacci, President Bush, and the members of our Congressional delegation. Thank You for the countless hours that all our leaders, local, state, and national, give to the people of Maine. We pray all this as Your loving sons and daughters. Amen.

Pledge of Allegiance led by Senator Mary Black Andrews of York County.

S.C. 138

STATE OF MAINE
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the need to resolve many legislative matters pending at the time of adjournment of the First Regular Session of the 122nd Legislature of the State of Maine; and

WHEREAS, the public health, safety, and welfare requires that the Legislature resolve these pending matters as soon as possible, and in any event prior to the date of the Second Regular Session of the 122nd Legislature of the State of Maine, including but not limited to pending legislation and pending nominations of state board and commission members by the Governor requiring legislative confirmation;

NOW THEREFORE, I, JOHN ELIAS BALDACCI, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor pursuant to Article V, Part 1, Section 13 of the Constitution of the State of Maine, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Monday, April 4, 2005 at 11:00 o'clock in the morning, in order to receive communications, resolve pending legislation carried over from the First Regular Session of the 122nd Legislature and act upon pending nominations.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this 31st day of March in the Year Two Thousand and Five.

S/JOHN ELIAS BALDACCI
Governor

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

QUORUM CALL

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#55)

PRESENT: Senators: ANDREWS, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DOW, HASTINGS, HOBBS, MARTIN, MAYO, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO-TEM - KENNETH T. GAGNON

28 Senators having answered the Roll, the Chair declared a quorum present.

PAPERS FROM THE HOUSE

Joint Resolutions

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Senate Order:
S.O. 19

The following Joint Resolution:

H.P. 1063

ORDERED, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES IN SUPPORT OF THE TOGUS VETERANS AFFAIRS MEDICAL CENTER

READ and PASSED.

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

The Chair appointed the Senator from Cumberland, Senator **BRENNAN** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

WHEREAS, the Veterans Affairs Medical Center in Togus, Maine, is the oldest facility operated by the United States Department of Veterans Affairs in the country, having been opened in 1866; and

Subsequently, the Senator from Cumberland, Senator **BRENNAN** reported that he had delivered the message with which he was charged.

WHEREAS, the Togus Veterans Affairs Medical Center provides general medical, surgical and mental health services to our nation's veterans; and

Out of order and under suspension of the Rules, on motion by Senator **MARTIN** of Aroostook, the following Senate Order:
S.O. 20

WHEREAS, the Togus Veterans Affairs Medical Center is the only United States Department of Veterans Affairs medical center in Maine, a large and rural state; and

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

WHEREAS, the State of Maine has a large population of military veterans, with more returning from Iraq, Afghanistan and elsewhere around the globe every day; and

READ and PASSED.

The Chair appointed the Senator from Aroostook, Senator **MARTIN** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

WHEREAS, a cut in funding for the Togus Veterans Affairs Medical Center would be devastating to the medical center's ability to provide basic health care services to our nation's veterans; now, therefore, be it

Subsequently, the Senator from Aroostook, Senator **MARTIN** reported that he had delivered the message with which he was charged.

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress support the Togus Veterans Affairs Medical Center as a vital resource in serving our nation's military veterans and providing veterans in Maine with much-needed and deserved health care services accessible from all points in the State; and be it further

Senate at Ease.

Senate called to order by President Pro Tem
KENNETH T. GAGNON of Kennebec County.

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

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

READ and ADOPTED, in concurrence.

At this point a message was received from the House of Representatives, borne by Representative CUMMINGS of Portland informing the Senate that a quorum of Representatives was assembled for the consideration of such business as may come before that Body.

The following Joint Resolution:

H.P. 1064

**JOINT RESOLUTION RECOGNIZING THE
GROUNDBREAKING SERVICE OF
WOMEN AS OFFICERS OF
THE MAINE STATE LEGISLATURE**

WHEREAS, this year marks the 85th anniversary of the 19th Amendment to the United States Constitution; and

WHEREAS, March has been designated as National Women's History Month; and

WHEREAS, the theme for this year's National Women's History Month is "Women Change America," honoring and recognizing the role of American women in transforming culture, history and politics as leaders, writers, scientists, educators, politicians, artists, historians and informed citizens; and

WHEREAS, "Women Change America" also celebrates the myriad ways in which the spirit, courage and contributions of American women have added to the vitality, richness and diversity of American life; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, on behalf of the people we represent, salute the women of Maine who have served as officers of the Maine Senate and the Maine House of Representatives over the last 56 years and applaud their accomplishments:

Clerks of the House

Bertha W. Johnson, 1967-1972;
E. Louise Lincoln, 1973-1975;
Deborah (Wood) Ward, Acting Clerk, June 1, 1992 to October 1, 1992; and
Millicent M. MacFarland, 2000 to present;

Assistant Clerks

E. May Chapman, 1949-1960;
Regis T. Strout, 1967-1972;
Catherine M. Fenderson, 1973-1974;
Deborah (Wood) Ward, 1977-1992; and
Millicent M. MacFarland, 1992-2000;

Secretaries of the Senate

May M. Ross, 1977-1982, 1994-1996;
Pamela L. Cahill, 2001-2002; and
Joy J. O'Brien, 1982-1994, 1996-2001 and 2002 to present; and

Assistant Secretaries

Beatrice Gidney, 1957, appointed to fill Assistant Secretary position;
May M. Ross, 1973-1976;
Mary S. Porter, 1977-1982;
Valerie (Mitchell) Craig, 1980-1985;

Elizabeth H. Mitchell, 1985, appointed to fill Assistant Secretary position;
Pamela E. Lovley, 1985-1994;
Pamela L. Cahill, 1994-1996 and 2000-2001;
Joy J. O'Brien, 2001-2002; and
Judith M. DeFranco, 1996-2000 and 2002 to present; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to these extraordinary women with our thanks for their service to the Legislature and the people of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 130

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT
AUGUSTA, MAINE 04333**

March 29, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of John A. Sevigny of Portland, for appointment to the Maine State Housing Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	10	Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Crosby of Topsham, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John A. Sevigny of Portland, for appointment to the Maine State Housing Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The Chair laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#56)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, NASS, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO-TEM - KENNETH T. GAGNON

ABSENT: Senators: BARTLETT, DAMON, EDMONDS, MITCHELL, NUTTING

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John A. Sevigny** of Portland, for appointment to the Maine State Housing Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 132

**MAINE STATE LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
AUGUSTA, MAINE 04333**

March 29, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 893 An Act To Change Mandatory Minimum Sentences in Certain Cases

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

Sincerely,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Patricia A. Blanchette
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 133

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

March 24, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 848 An Act To Restore to Maine Citizens Responsible Access to Sebago Lake

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L.D. 849 An Act To Require That Certain Water Districts
Install Sand Filtration Systems To Ensure the
Safety and Purity of the Water Supply

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

The Following Communication: S.C. 134

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

March 28, 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 Judiciary has voted unanimously to
report the following bills out "Ought Not to Pass":

L.D. 103 An Act To Establish the Fully Informed Jury Act
L.D. 281 An Act Authorizing Property Managers To Bring
Eviction Actions on Behalf of Landlords
L.D. 432 An Act To Increase from 90 to 120 Days the
Time Frame To File Contractor Liens
L.D. 681 An Act Regarding the Use of Arbitration in
Certain Consumer Cases
L.D. 869 An Act To Extend Recognition to the Metis
People

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Pelletier-Simpson
House Chair

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

The Following Communication: S.C. 135

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

March 24, 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 Business, Research and Economic
Development has voted unanimously to report the following bill
out "Ought Not to Pass":

L.D. 191 An Act Requiring Internet Auction Registration

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 136

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

March 28, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 58 An Act To Support Payroll Processors

L.D. 208 An Act To Lower the Surety Bond Requirement for Payroll Processors

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 139

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

March 24, 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 Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 896 An Act To Encourage State Employees To Continue Employment

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication: S.C. 140

**STATE OF MAINE
COMMITTEE ON MARINE RESOURCES
AUGUSTA, MAINE 04333**

March 29, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 938 Resolve, To Restore the Atlantic Salmon Population on the Pleasant River

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

Sincerely,

S/Sen. Dennis Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: H.C. 111

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 30, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
122nd Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield

(H.P. 164)(L.D. 213)

Representative CARR of Lincoln
Representative PARADIS of Frenchville
Representative BLANCHARD of Old Town

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Appropriate Funds for the School Breakfast Program"

S.P. 535 L.D. 1540

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative CUMMINGS of Portland and Senators: President EDMONDS of Cumberland, NASS of York, ROSEN of Hancock, Representatives: FAIRCLOTH of Bangor, NUTTING of Oakland, PERCY of Phippsburg, PINGREE of North Haven, ROSEN of Bucksport.

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

Sent down for concurrence.

Resolve, To Allow School Administrative District 16 To Sell a School in Anticipation of Closure

S.P. 529 L.D. 1527

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative McCORMICK of West Gardiner.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Create a Graduate School of Biomedical Sciences at the University of Maine"

S.P. 530 L.D. 1528

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative CAIN of Orono and Senators: BARTLETT of Cumberland, DAMON of Hancock, SCHNEIDER of Penobscot, Representatives: BOWEN of Rockport, FISCHER of Presque Isle, NORTON of Bangor, RECTOR of Thomaston.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Authorizing the Medical Use of Marijuana"

S.P. 533 L.D. 1538

Sponsored by Senator GAGNON of Kennebec. (BY REQUEST)
Cosponsored by Representative THOMPSON of China.

Bill "An Act Pertaining to Reporting of Prescription Drug Advertising Costs"

S.P. 534 L.D. 1539

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative FISCHER of Presque Isle and Senators: BROMLEY of Cumberland, WESTON of Waldo, Representatives: BOWLES of Sanford, CURLEY of Scarborough, MILLS of Farmington.

Bill "An Act Pertaining to Disclosure of Prescription Drug Prices" (EMERGENCY)

S.P. 536 L.D. 1541

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative CROSBY of Topsham and Senators: ROSEN of Hancock, SNOWE-MELLO of Androscoggin, WOODCOCK of Franklin.

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors"

H.P. 398 L.D. 522

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.

The Committee on **JUDICIARY** on Bill "An Act To Amend Appellate Review Jurisdiction of the Superior Court"
H.P. 695 L.D. 985

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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations"
H.P. 318 L.D. 433

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-81)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-81)**.

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

READ ONCE.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase the Adult Education State Subsidy by a Specific Percentage"
S.P. 38 L.D. 96

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-63)**.

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

READ ONCE.

Committee Amendment "A" (S-63) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Directing the Department of Health and Human Services To Report on Certain MaineCare Practices
S.P. 82 L.D. 229

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-64)**.

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

READ ONCE.

Committee Amendment "A" (S-64) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify the Applicability of the Maine Consumer Credit Code to Affordable Housing Organizations"
S.P. 100 L.D. 338

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-65)**.

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

READ ONCE.

Committee Amendment "A" (S-65) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Definition of 'Chiropractic Acupuncture'"

S.P. 174 L.D. 566

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

Signed:

Senators:

BROMLEY of Cumberland
DOW of Lincoln

Representatives:

SMITH of Monmouth
O'BRIEN of Lewiston
AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
FARRINGTON of Gorham
BERUBE of Lisbon
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
CROSBY of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

HOBBINS of York

Reports **READ**.

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Prohibit Changing the Flow of Water on Another's Land"

S.P. 271 L.D. 816

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Signed:

Senators:

COWGER of Kennebec
SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor
JOY of Crystal
THOMPSON of China
ANNIS of Dover-Foxcroft
EBERLE of South Portland
DAIGLE of Arundel
SAVIELLO of Wilton
DUCHESNE of Hudson

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

Signed:

Representative:

TWOMEY of Biddeford

Reports **READ**.

On motion by Senator **COWGER** of Kennebec, the Majority Report **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

HELD MATTER

On motion by Senator **ROTUNDO** of Androscoggin, under suspension of the Rules, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENACTED**, in concurrence, the following:

An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System

H.P. 263 L.D. 350
(C "A" H-32)

(In House, March 30, 2005, **PASSED TO BE ENACTED**.)

(In Senate, March 30, 2005, **PASSED TO BE ENACTED**, in concurrence.)

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Require That All Persons Engaging in Asbestos Abatement Activities Be Subject to Licensing and Certification Requirements"

S.P. 20 L.D. 40

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-66)**.

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

READ ONCE.

Committee Amendment "A" (S-66) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by President Pro Tem
KENNETH T. GAGNON of Kennebec County.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Tuesday, April 5, 2005, at 10:00 in the morning.