

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

In Senate Chamber
Wednesday
March 10, 2004

Senate called to order by President Pro Tem Sharon A. Treat of Kennebec County.

Prayer by Rev. Dr. Susan E. Crane, Henderson Memorial Baptist Church in Farmington.

REVEREND CRANE: Let us unite our hearts in the spirit of prayer. Maker of heaven and earth, we praise You, for you have made us and we are Yours. Oh God who gave us birth, take us by the hand and walk beside us this day. Give to these faithful public servants Your gifts of wisdom and compassion. Help them to see the promise of a future and a hope that You alone can provide. Bless, oh Lord, our Governor and all our legislators here in Maine, even as You bless those who serve in our nation's capital and in the world's governments, for we are all linked together, Lord, by Your design and problems elsewhere are making it difficult to make ends meet here in Maine. Lord God, bless our Senators today and guide them through the challenges they face. Help them to put their trust in You and steer a steady course. Enable them to hear amidst the clamor of demanding voices the still quieter whisper of those who have no voice; the truly poor, the disabled, those who cannot advocate for themselves. We know, Lord, that You watch over the homeless and the hungry, the mentally ill, and the unemployed. We also know that You expect us to do the same for the neighbors in our care. Every day, Lord, these Senators are faced with hard choices. Help them this day to listen for Your voice and make the decisions that will help make possible a brighter future for all the people of Maine. Now may Your power be made perfect in weakness and Your grace be sufficient for all our needs. Amen.

Doctor of the day, Tracy Haas, D.O. of Portland.

Reading of the Journal of Tuesday, March 9, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-398)** (4 members)

In Senate, February 25, 2004, on motion by Senator **HALL** of Lincoln, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE**

AMENDMENT "A" (S-398) AS AMENDED BY HOUSE AMENDMENT "B" (H-737)
thereto, in **NON-CONCURRENCE**.

On motion by Senator **HALL** of Lincoln, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

S.P. 762

**121ST 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:

Please be advised that I have appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Resolve, Authorizing Germaine Bell to Sue the State (S.P. 567) (L.D. 1613) the following conferees on the part of the Senate:

Senator Kenneth Gagnon of Kennebec
Senator Kenneth Lemont of York
Senator Arthur Mayo of Sagadahoc

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

Sincerely,

S/Sharon Anglin Treat
President Pro Tempore

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication:

S.C. 485

**121ST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2004

The Honorable Beverly C. Daggett
President of the Senate of Maine
121ST 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 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Daniel Simonds of Rangeley, for appointment to the Board of Pesticides Control.

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	1	Kneeland of Aroostook
	Representatives	8	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Smith of Monmouth
NAYS		0	
ABSENT		4	Sen. Bryant of Oxford, Rep. Eder of Portland, Rep. Piotti of Unity, Sen. Youngblood of Penobscot

Nine 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 Daniel Simonds of Rangeley, for appointment to the Board of Pesticides Control be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **GAGNON** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication:

S.C. 486

**121ST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2004

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st 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 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of James Nadeau of Winterville Plantation, for appointment to the Land Use Regulation Commission.

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	1	Kneeland of Aroostook
	Representatives	8	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Smith of Monmouth

NAYS 0

ABSENT 4 Sen. Bryant of Oxford, Rep. Eder of Portland, Rep. Piotti of Unity, Sen. Youngblood of Penobscot

Nine 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 James Nadeau of Winterville Plantation, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **GAGNON** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication:

S.C. 487

**121ST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2004

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st 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 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Carol Murtaugh of Lubec, for appointment to the Land Use Regulation Commission.

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 1 Kneeland of Aroostook
 Representatives 8 McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Smith of Monmouth

NAYS 0

ABSENT 4 Sen. Bryant of Oxford, Rep. Eder of Portland, Rep. Piotti of Unity, Sen. Youngblood of Penobscot

Nine 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 Carol Murtaugh of Lubec, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/Bruce S. Bryant

S/Linda Rogers McKee

Senate Chair

House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **GAGNON** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication:

S.C. 488

**121ST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2004

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st 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 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Jeffrey (Steve) Kahl of Old Town, for appointment to the Land Use Regulation Commission.

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	1	Kneeland of Aroostook
	Representatives	8	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Smith of Monmouth
NAYS		0	
ABSENT		4	Sen. Bryant of Oxford, Rep. Eder of Portland, Rep. Piotti of Unity, Sen. Youngblood of Penobscot

Nine 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 Jeffrey (Steve) Kahl of Old Town, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **GAGNON** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication:

S.C. 489

**121ST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2004

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st 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 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Rebecca Kurtz of Rangeley, for appointment to the Land Use Regulation Commission.

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	1	Kneeland of Aroostook
	Representatives	8	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Fletcher of Winslow, Honey of Boothbay, Lundeen of Mars Hill, Pineau of Jay, Smith of Monmouth
NAYS		0	
ABSENT		4	Sen. Bryant of Oxford, Rep. Eder of Portland, Rep. Piotti of Unity, Sen. Youngblood of Penobscot

Nine 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 Rebecca Kurtz of Rangeley, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **GAGNON** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication:

S.C. 490

**121ST LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1860 An Act To Amend the Charter of the Mount Desert Water District

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

Sincerely,

S/Sen. Christopher Hall
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

The Following Communication:

H.C. 347

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

March 9, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
121st Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted on February 26, 2004, to Insist and Join in a Committee of Conference on Resolve, Authorizing Germaine Bell To Sue the State

(S.P. 567)(L.D. 1613)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act To Increase Business Investment, Provide Expanded Property Tax Relief to Low-income and Moderate-income Homeowners and Cap Local and County Spending"

S.P. 759 L.D. 1923

Sponsored by Senator STANLEY of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Representative LEMOINE of Old Orchard Beach and Representatives:
McCORMICK of West Gardiner, PERRY of Bangor, TARDY of Newport, WOODBURY of
Yarmouth.

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

Sent down for concurrence.

Bill "An Act To Reduce the Cost of Local Government through Increased State Education Funding
and Provide Property Tax Relief"

S.P. 761 L.D. 1924

Sponsored by Senator DOUGLASS of Androscoggin. (GOVERNOR'S BILL)
Cosponsored by Representative CUMMINGS of Portland and Senator: MITCHELL of Penobscot,
Representatives: FISCHER of Presque Isle, LEDWIN of Holden, MILLS of Cornville.

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

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to the Committees on **TAXATION**
and **EDUCATION AND CULTURAL AFFAIRS**.

Ordered sent down forthwith for concurrence.

Bill "An Act To Preserve Transportation Projects Statewide by Using Federal GARVEE Financing
for the Waldo-Hancock Bridge Replacement"

S.P. 758 L.D. 1922

Sponsored by Senator DAMON of Hancock. (GOVERNOR'S BILL)
Cosponsored by Representative ROSEN of Bucksport and Senators: SAVAGE of Knox, WESTON
of Waldo, YOUNGBLOOD of Penobscot, Representatives: ASH of Belfast, BERRY of Belmont,
KAELIN of Winterport, MARLEY of Portland, RICHARDSON of Brunswick.

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on
TRANSPORTATION and ordered printed.

Ordered sent down forthwith for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **ROTUNDO** of Androscoggin (Under suspension of the rules, cosponsored
by Speaker COLWELL of Gardiner and Senators: BRENNAN of Cumberland, BROMLEY of
Cumberland, BRYANT of Oxford, CATHCART of Penobscot, President DAGGETT of Kennebec,
DAMON of Hancock, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of
Kennebec, HALL of Lincoln, HATCH of Somerset, LAFOUNTAIN of York, MAYO of
Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, SAWYER
of Penobscot, SHOREY of Washington, STANLEY of Penobscot, STRIMLING of Cumberland,
TURNER of Cumberland, WOODCOCK of Franklin, Representatives: ADAMS of Portland,
ANDREWS of York, ASH of Belfast, BARSTOW of Gorham, BERRY of Belmont, BUNKER of
Kossuth Township, CANAVAN of Waterville, COWGER of Hallowell, DUPLESSIE of
Westbrook, EARLE of Damariscotta, GAGNE-FRIEL of Buckfield, GERZOFSKY of Brunswick,
McGOWAN of Pittsfield, MILLETT of Waterford, MILLS of Farmington, MURPHY of
Kennebunk, NUTTING of Oakland, PERCY of Phippsburg, RICHARDSON of Brunswick,
SIMPSON of Auburn), the following Joint Resolution:

S.P. 760

JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, Public Law 1871, chapter 194 authorized cities and towns to provide for instruction in
industrial or mechanical drawing to persons over 15 years of age, either in day or evening schools,
establishing the beginning of formal adult education in Maine; and

WHEREAS, the legislation in 1871 was followed by an amendment in 1889, allowing cities and
towns to raise money to support evening schools; and

WHEREAS, by 1909, a legislative study determined that 11 cities and towns were maintaining evening schools with an approximate enrollment of 1,400 pupils found to be generally employed in mills or factories; and

WHEREAS, literacy was to become a concern during World War I, and adult education in Maine took a broader focus although the growth of the programs was modest. The Depression saw a decline of programs due to financial reasons, but by 1934 there were classes in 9 communities with a total enrollment of 2,824 pupils; and

WHEREAS, modern adult education is a product of the 1960s and the "War on Poverty" programs. In 1966, 59 communities offered adult education with a total enrollment of 8,086. The growth has continued dramatically throughout recent decades; and

WHEREAS, current trends in adult education reflect the variety of ways the State's programs serve the needs of the State's population. The trends include:

1. Collaboration with postsecondary institutions through career guidance, brush-up and college preparation classes for aspiring students;
2. High school completion and General Equivalency Diploma, GED, programs, with an estimated 650 high school diplomas and an estimated 3,500 GEDs awarded in the State last year;
3. Job readiness, including career guidance and a variety of skills classes, including computer training and many other vocational offerings;
4. Workplace literacy, including courses offered on site at businesses focusing on such topics as math, computer literacy and writing skills;
5. Family literacy, a coordinated approach including adult education, early literacy, parenting instruction and intergenerational activities; and
6. A vibrant array of community programs reflecting the needs and interests of Maine people; and

WHEREAS, funding for adult education in the State is a partnership that includes state subsidy, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the Second Special Session, pause to acknowledge and applaud adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I'm exceedingly proud today to recognize the important role that adult education has played and continues to play in this state. Our adult education programs in communities throughout Maine continue to provide opportunities for our citizens to improve their lives, whether it's by completing a GED, learning English, acquiring training within a business, learning new skills after losing a job, or participating in inter-generational family literacy activities. Adult education dedicated to promoting lifelong learning will continue to serve as an engine for our state's economic development and will continue to open doors and provide opportunities for people throughout Maine to enrich and better their lives. I'm so pleased to have with us today in the chamber so many teachers, students, and administrators from adult education programs from throughout the state. Thank you.

On motion by Senator **ROTUNDO** of Androscoggin, **ADOPTED.**

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

NOMINATION - of Daniel Simonds of Rangeley, for appointment to the Board of Pesticides Control

Tabled – March 10, 2004, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 10, 2004, Communication (S.C. 485) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#254)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **Daniel Simonds** of Rangeley, for appointment to the Board of Pesticides Control was **CONFIRMED**.

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

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

NOMINATION - of James Nadeau of Winterville Plantation, for appointment to the Land Use Regulation Commission

Tabled – March 10, 2004, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 10, 2004, Communication (S.C. 486) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#255)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **James Nadeau** of Winterville Plantation, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Carol Murtaugh of Lubec, for appointment to the Land Use Regulation Commission

Tabled – March 10, 2004, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 10, 2004, Communication (S.C. 487) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#256)

YEAS: Senator: SHOREY

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

EXCUSED: Senator: DAGGETT

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being excused, and 1 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 **Carol Murtaugh** of Lubec, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Jeffrey (Steve) Kahl of Old Town, for appointment to the Land Use Regulation Commission

Tabled – March 10, 2004, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 10, 2004, Communication (S.C. 488) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#257)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **Jeffrey (Steve) Kahl** of Old Town, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

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

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

NOMINATION - of Rebecca Kurtz of Rangeley, for appointment to the Land Use Regulation Commission

Tabled – March 10, 2004, by Senator **GAGNON** of Kennebec

Pending - **CONSIDERATION**

(In Senate, March 10, 2004, Communication (S.C. 489) from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY, READ and ORDERED PLACED ON FILE.**)

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 121st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#258)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM – SHARON A. TREAT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **Rebecca Kurtz** of Rangeley, for appointment to the Land Use Regulation Commission was **CONFIRMED**.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Membership of the Children's Cabinet"

H.P. 1352 L.D. 1829

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 **TAXATION** on Resolve, Regarding Legislative Review of Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a Major Substantive Rule of the Maine State Housing Authority

H.P. 1376 L.D. 1850

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **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 **NATURAL RESOURCES** on Bill "An Act To Provide for the Safe Disposal of Household Hazardous Waste"

H.P. 1328 L.D. 1806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-732)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-732)**.

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

READ ONCE.

Committee Amendment "A" (H-732) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration"

H.P. 1358 L.D. 1833

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-731)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731)**.

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

READ ONCE.

Committee Amendment "A" (H-731) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Amend the Charter of the Dover and Foxcroft Water District" (EMERGENCY)

H.P. 1248 L.D. 1672

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-734).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734).**

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

READ ONCE.

Committee Amendment "A" (H-734) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Permit the Photocopying of Driver's Licenses in Financial Transactions"

H.P. 1324 L.D. 1802

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-683).**

Signed:

Senators:

LAFOUNTAIN of York
DOUGLASS of Androscoggin
MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham
PERRY of Calais
BREAULT of Buxton
GLYNN of South Portland
SNOWE-MELLO of Poland
YOUNG of Limestone
PERRY of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-684).**

Signed:

Representatives:

CANAVAN of Waterville
WOODBURY of Yarmouth
O'NEIL of Saco

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**.

Reports **READ**.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-683) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **GAGNON** for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the STARBASE Program"

S.P. 622 L.D. 1690

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-423)**.

Report **READ**.

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

Senator **STRIMLING** for the Committee on **TAXATION** on Bill "An Act To Create the Maine Military Family Relief Fund"

S.P. 657 L.D. 1724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-422)**.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, 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 (#259)

YEAS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM – SHARON A. TREAT

NAYS: Senators: None

ABSENT: Senator: YOUNGBLOOD

EXCUSED: Senator: DAGGETT

33 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-422) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act 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

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

House As Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Voting Age Qualifications by 12 Months

H.P. 470 L.D. 640
(C "A" H-637)

Bill "An Act To Permit Background Checks on Prospective Adoptive Parents"

H.P. 1276 L.D. 1754
(C "A" H-728)

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

Senate

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

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State"

S.P. 356 L.D. 1025
(C "A" S-417)

Bill "An Act To Improve Awareness of Meningococcal Disease"

S.P. 617 L.D. 1685
(C "A" S-418)

Bill "An Act To Delay the Implementation of Restrictions on Information on Electronically Printed Receipts" (EMERGENCY)

S.P. 694 L.D. 1854
(C "A" S-420)

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

Sent down for concurrence.

Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 626 L.D. 1694
(C "A" S-419)

Senator **MARTIN** of Aroostook moved the Senate **RECONSIDER** whereby it **ADOPTED** Committee Amendment "A" (S-419).

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby it **ADOPTED** Committee Amendment "A" (S-419).

ENACTORS

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

Emergency Measure

An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council

S.P. 641 L.D. 1709
(C "A" S-401)

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

Emergency Measure

An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies

S.P. 675 L.D. 1832

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Measure

An Act To Provide for the 2004 and 2005 Allocations of the State Ceiling on Private Activity Bonds

H.P. 1364 L.D. 1838

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Acts

An Act To Obtain Substance Abuse Services for Youth in Need of Services

S.P. 220 L.D. 611

(C "A" S-400)

An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State

S.P. 235 L.D. 671

(C "A" S-399)

An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the State Mental Institutions

H.P. 1219 L.D. 1642

(C "A" H-719)

An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws

S.P. 629 L.D. 1697

(H "A" H-729 to C "A" S-388)

An Act To Clarify the Requirements of the Behavioral Treatment and Safety Device Review Teams for Persons with Mental Retardation or Autism

H.P. 1261 L.D. 1739

(C "A" H-720)

An Act To Amend the Laws Relating To Requirements for Competitive Electricity Providers

H.P. 1263 L.D. 1741

(C "A" H-718)

An Act Regarding Child Support Collection Practices

H.P. 1293 L.D. 1771

(C "A" H-721)

An Act Concerning the Boundary Line of the Town of Unity

H.P. 1301 L.D. 1779

An Act To Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands

H.P. 1304 L.D. 1782

(C "A" H-714)

An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

S.P. 667 L.D. 1819

(C "A" S-396)

An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service

H.P. 1344 L.D. 1821

(C "A" H-713)

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

An Act to Expand Funding and Services to Students of Limited Proficiency in English

H.P. 149 L.D. 190

(C "A" H-701)

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

An Act To Provide Funding for the Maine-Canada Trade Ombudsman

H.P. 464 L.D. 634
(C "A" H-722)

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

An Act To Expand Maine's Homestead Exemption for the Blind

H.P. 1316 L.D. 1794
(C "A" H-724)

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

Resolve

Resolve, To Ensure That Emergency Medical Help Is Available to All School Children

H.P. 136 L.D. 177
(C "A" H-723)

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Encourage Voluntary Efficiency in Maine's School Systems and Related Costs Savings"

H.P. 1422 L.D. 1921

Comes from the House, **REFERRED** to the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** and ordered printed, in concurrence.

Senate at Ease.

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

Off Record Remarks

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

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

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

RECESSED until the sound of the bell.

After Recess

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

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

Senator **GAGNON**: Thank you, Madame President. As Senators know, we were hit with a news article in a number of websites in which the Maine Christian Civic League has requested people to give them information that would out members of the legislature and others. We took a quick break this morning to have a discussion about that and both sides of the Senate, the Republican caucus and Democratic caucus, have agreed on a letter that we would like to jointly send. I'd like to read the letter into the record, if I may.

March 10, 2004

Michael Heath, Executive Director
Christian Civic League of Maine

Dear Mr. Heath:

As the members of the Maine Senate, we feel obligated to respond to the Christian Civic League's recently announced intention to "out" members of the Legislature, state employees, and lobbyists. The Christian Civic League has long played a constructive role in Maine politics advocating for the beliefs and values of thousands of committed Christians. Therefore, it is with heavy hearts that we must unanimously condemn and disavow the League's efforts to "out" individuals.

The League's plan is a violation of the right to privacy that each individual should be accorded in this society. It is outrageous that the League should ask for "tips, rumors, speculation and facts" from the public regarding the sexual orientation of legislators and others. We are especially troubled by the League's intention to "out" state employees and lobbyists. Such attacks will harm all of us by lowering the level of public discourse. These tactics have nothing whatsoever to do with the Legislature's responsibility to develop appropriate public policy.

We call on the Christian Civic League and its members to abandon this ill-advised proposal and instead work with us to identify and address those issues that are of concern to its members.

Sincerely,

Sharon Treat
Senate President Pro-Tem

Kenneth Gagnon
Assistant Senate Majority Leader

Paul Davis
Senate Republican Leader

Chandler Woodcock
Assistant Senate Republican Leader

Senate President Beverly Daggett
Senator Richard Bennett

Senator Kenneth Blais
Senator Michael Brennan

Senator Lynn Bromley
Senator Bruce Bryant
Senator David Carpenter
Senator Mary Cathcart
Senator Dennis Damon
Senator Neria Douglass
Senator Beth Edmonds
Senator Carolyn Gilman
Senator Christopher Hall
Senator Pamela Hatch
Senator Richard Kneeland
Senator Lloyd LaFountain
Senator Kenneth Lemont
Senator John Martin

Senator Arthur Mayo
Senator Betty Lou Mitchell
Senator Richard Nass
Senator Peggy Pendleton
Senator Margaret Rotundo
Senator Christine Savage
Senator Tom Sawyer
Senator Kevin Shorey
Senator Stephen Stanley
Senator Ethan Strimling
Senator Karl Turner
Senator Carol Weston
Senator Edward Youngblood

Thank you, Madame President.

Senator **STRIMLING** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **STRIMLING**: Thank you, Madame President. I'm very proud to be signing this letter. I am also very sad. About 50 years ago, my Grandfather was brought in front of the House, their American Activities Committee, because they accused him of associating with somebody who they considered to be 'not an American' by their standards. He always said to me, 'I hope we never go back to those days.' Today feels dangerously close. I just want to say that I thank everybody for signing onto this letter. It is both a proud day and a sad day.

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

Senator **TURNER** of Cumberland was granted unanimous consent to address the Senate off the Record.

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