

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

In Senate Chamber

Monday

March 22, 2004

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

Prayer by Reverend Mary Ann Hoy, St. Andrews Episcopal Church in Newcastle.

REVEREND HOY: Gracious and loving God, we ask Your blessing on all who are gathered here in prayer. May they show wisdom in their decisions, understanding in their thinking, love in their attitudes, and mercy in their judgments. Help them to be creative and compassionate leaders as they go about this day. Open their minds to the truth that never changes. Grant them flexibility of mind and heart and the courage to embrace change whenever they come to see clearly that something revealed to them is true and right and good. Bless all the men and women who serve this state in their several callings. May they be passionate seekers after justice, striving always to listen to the needs of those whose voices are sometimes hard to hear. Guide them and their families and enable them to know that we are grateful for their service. Strengthen them to meet all the demands of this day with lively faith and glad anticipation, secure in Your love, oh God, our Creator and our sustainer. Amen.

Pledge of Allegiance led by Senator Betheda G. Edmonds of Cumberland County.

Doctor of the day, Peter Sedgwick, M.D. of South Portland.

Reading of the Journal of Thursday, March 18, 2004.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - Authorizing the Joint Standing Committee on Inland Fisheries and Wildlife To Report Out a Bill Regarding Lead Discharges into State Waters

H.P. 1355

In House, January 15, 2004, **READ** and **PASSED**.

In Senate, March 18, 2004, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

H.P. 308 L.D. 388

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-623)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In House, January 27, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**.

In Senate, March 11, 2004, motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **MARINE RESOURCES** on Resolve, Related to Aquaculture Leases in Blue Hill Bay

S.P. 410 L.D. 1279

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass** (3 members)

In Senate, March 17, 2004, on motion by Senator **DAMON** of Hancock, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

In House, March 18, 2004, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

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

H.P. 1404 L.D. 1897

(S "A" S-416)

In Senate, March 9, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-416)**.

Comes from the House, **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

On motion by Senator **PENDLETON** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Bill "An Act To Improve the Viability of Railroads Operating in Maine"

S.P. 757 L.D. 1918

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

In Senate, March 16, 2004, **PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-779)**, without reference to a Committee, in **NON-CONCURRENCE**.

On motion by Senator **STANLEY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

Joint Resolutions

The following Joint Resolution:

H.P. 1433

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO ENSURE THE PROTECTION OF CIVIL LIBERTIES AND THE SECURITY OF THE UNITED STATES

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

WHEREAS, the State of Maine recognizes that the Constitution of the United States is our charter of liberty and that the Bill of Rights enshrines the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly and privacy; and

WHEREAS, each of Maine's duly elected public servants has sworn to defend and uphold the Constitution of the United States and the Constitution of Maine; and

WHEREAS, the State of Maine denounces and condemns all acts of terrorism, wherever occurring; and

WHEREAS, attacks against Americans such as those that occurred on September 11, 2001 have necessitated the crafting of effective laws to protect the public from terrorist attacks; and

WHEREAS, any new security measures of federal, state and local governments should be carefully designed and employed to enhance public safety without infringing on the civil liberties and rights of any citizen of the State of Maine and the nation; and

WHEREAS, matters relating to immigration are primarily federal in nature; and

WHEREAS, certain provisions of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001," commonly referred to as the USA PATRIOT Act, allow the Federal Government more liberally to detain and investigate citizens and engage in surveillance activities that may violate or offend the rights and liberties guaranteed by our state and federal constitutions; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to inform the President of the United States and the United States Congress that the Maine State Legislature supports the government of the United States of America in its campaign against terrorism and affirms its commitment that the campaign not be waged at the expense of essential civil rights and liberties of citizens of this country contained in the Constitution of United States and the Bill of Rights; and be it further

RESOLVED: That We, the Members of the Maine State Legislature reaffirm our sworn oaths to defend the Constitution of the United States and the Constitution of Maine and our solemn commitment to continue to protect and champion the rights and liberties of Maine citizens that are guaranteed under the state and federal constitutions, including freedom of expression; the right to free access to public information; freedom of association, including the ability to attend meetings without being monitored or belong to an organization without fear of reprisal; freedom from unreasonable searches and seizures, including wiretapping and monitoring of medical records and library records; due process protections, including protection against detention without charges or targeting based on race, religion, ethnicity or national origin; and the right to property, including protection against seizure or freezing of assets; and be it further

RESOLVED: That the Maine State Legislature urges the Federal Government to continue to exercise its jurisdiction over immigration matters and encourages the Federal Government to work cooperatively with the states to provide assistance and training necessary to protect our country; and be it further

RESOLVED: That laws passed by the United States Congress to specifically combat the threat of international terrorism should not be used in conducting domestic law enforcement; and be it further

RESOLVED: That the Maine State Legislature implores the United States Congress to review provisions in the USA PATRIOT Act and other measures that may infringe on civil liberties and ensure any pending and future federal measures do not infringe on Americans' civil rights and liberties; and be it further

RESOLVED: That the Legislature calls upon our United States Representatives and Senators to monitor the implementation of the USA PATRIOT Act and related federal actions and, if necessary, repeal those sections of the USA PATRIOT Act and related federal measures that may infringe upon fundamental rights and liberties as recognized in the United States Constitution and its amendments; and be it further

RESOLVED: That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable John Ashcroft, Attorney General of the United States; the Honorable John E. Baldacci, Governor of the State of Maine; Richard Cheney, President of the United States Senate; Dennis Hastert, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

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

READ.

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

The following Joint Resolution:

H.P. 1440

JOINT RESOLUTION RECOGNIZING MAINE'S CREDIT UNIONS

WHEREAS, Maine's credit unions are locally owned financial cooperatives dedicated to serving their members. Each and every credit union member is an owner and has an equal voice in the operations of the credit union. Serving members in all 16 Maine counties and in hundreds of communities, large and small, Maine's credit unions are committed to the nearly 600,000 Maine consumers that belong to credit unions; and

WHEREAS, Maine's credit unions are consistently recognized for serving their members, as indicated by the consistently high marks for performance and customer satisfaction that consumers assign to Maine's credit unions. The important financial role that credit unions play in serving as the primary financial institutions of choice is indicated by the fact that Maine has been ranked as the nation's 5th strongest credit union state in the nation for the past 4 years. Nearly one in every 2 Maine residents belongs to a credit union; and

WHEREAS, the more than 1,800 full-time and part-time employees of Maine's credit unions and the hundreds of unpaid volunteers that serve on credit union boards and committees continue to support and demonstrate the core credit union values, philosophy and mission of Maine people helping Maine people and contribute to the communities they serve; and

WHEREAS, Maine's credit unions are very active within their communities, and they have raised more than \$1,530,000 to help end hunger in Maine. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. As a result of Maine's credit unions' unwavering dedication to this cause, Maine is a leading state in the nation in increasing awareness about the problem of hunger. Maine's credit unions have also contributed hundreds of thousands of dollars to positively affect the lives of the many Maine Special Olympians from across the State. Additionally, Maine's credit unions voluntarily contribute thousands of dollars to organizations and agencies in their own communities and donate countless hours on a daily basis to enrich the lives of the citizens in the communities in which they serve; and

WHEREAS, since 1921, Maine's credit unions have been part of the economic fabric and source of assistance in helping thousands of Maine people in communities across the State achieve financial success. Throughout Maine, credit unions continue to make a difference in the lives of individuals and remain a constant source of pride and spirit in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the Second Special Session, take this occasion to recognize the Maine Credit Union League and Maine's credit unions for having a positive and profound impact on the lives of Maine citizens and their communities for 83 years. Your service and dedication to this State is a tribute to many of those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its 77 affiliated credit unions.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1441

**JOINT RESOLUTION COMMEMORATING THE VICTIMS OF THE
TERRORIST TRAGEDY IN MADRID, SPAIN**

WHEREAS, on March 11, 2004, the gruesome bombing of 10 commuter trains in Madrid, Spain by terrorists killed more than 200 people, men, women and children and injured more than 1,400 others, including people from many nations, in one of Europe's deadliest and bloodiest terrorist bombings; and

WHEREAS, Spain is an old and venerable nation, a nation that has had a great influence on our own country and is one of the pillars of Western civilization, an ally of the United States of America and an original member of the NATO alliance; and

WHEREAS, on March 11, 2004, exactly 2 1/2 years after the tragedy of September 11th, the people of Spain suffered a horrific and senseless tragedy of their own, and we join with all Spaniards in heartfelt mourning of the victims of this cowardly attack on innocent life; and

WHEREAS, millions of Spaniards poured into the streets the day after the bombings, grief-stricken at the loss of life and protesting the carnage that was done in their country, and nations around the world join Spain in protesting this terrorist action; and

WHEREAS, we in the State of Maine and the United States of America share mutual democratic ideals and goals with Spain, and we also sincerely share their current sorrow; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the Second Special Session, on behalf of the people we represent, take this opportunity to extend our deepest sympathy and our condolences to the people of Spain on the extreme loss of life and casualties suffered by that noble nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Spanish Ambassador to the United States, Mr. Javier Ruperez, as a token of our sympathy.

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

S.C. 516

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of

the Maine Board of Dental Examiners under the State Government Evaluation Act. As a product of its review, the committee has provided accompanying legislation to assist the board in fulfilling its statutory and administrative mandate in the future.

Sincerely,

S/Senator Lynn Bromley

S/Rep. Nancy B. Sullivan

Chair

Chair

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 517

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Board of Licensure in Medicine under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate. The committee also has provided accompanying legislation to assist the board in continuing to fulfill its statutory and administrative mandate in the future.

Sincerely,

S/Senator Lynn Bromley

S/Rep. Nancy B. Sullivan

Chair

Chair

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 518

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Board of Optometry under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,

S/Senator Lynn Bromley

S/Rep. Nancy B. Sullivan

Chair

Chair

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 519

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Board of Osteopathic Licensure under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,

S/Senator Lynn Bromley

S/Rep. Nancy B. Sullivan

Chair

Chair

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 520

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the State Board of Registration for Professional Engineers under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,

S/Senator Lynn Bromley

Chair

S/Rep. Nancy B. Sullivan

Chair

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 521

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the State Board of Nursing under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,

S/Senator Lynn Bromley

Chair

S/Rep. Nancy B. Sullivan

Chair

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 509

**COMMISSION TO ARRANGE FOR A PLAQUE OR PLAQUES
AND A FLAG OR FLAGS TO BE DISPLAYED IN THE HALL OF FLAGS IN THE STATE HOUSE TO HONOR THE MAINE
VETERANS OF WORLD WAR II AND THE KOREAN WAR**

March 15, 2004

The Honorable Beverly C. Daggett, President

Maine State Senate

The Honorable Patrick Colwell, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War has completed its work and submitted its report, pursuant to Resolves 2001, chapter 113.

Sincerely,

S/Sen. Kenneth T. Gagnon, Senate Chair

S/Rep. Monica McGlocklin, House Chair

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

The Following Communication:

S.C. 511

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 11, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1886 Resolve, Directing the Maine Municipal Bond Bank and the Finance Authority of Maine
To Work Cooperatively with the Lincoln Water District Regarding Financing of the
District

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy B. Sullivan

House Chair

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

The Following Communication:

S.C. 512

121ST LEGISLATURE
COMMITTEE ON
EDUCATION AND CULTURAL AFFAIRS

March 16, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1885 An Act To Ensure Competitive Bidding for Maine's School Systems

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings

House Chair

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

The Following Communication:

S.C. 513

121ST LEGISLATURE
COMMITTEE ON
INSURANCE AND FINANCIAL SERVICES

March 16, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1601 An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

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

The Following Communication:

S.C. 514

121ST LEGISLATURE

COMMITTEE ON JUDICIARY

March 16, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1727 An Act To Amend the "Freedom of Access Laws" To Exclude Public Employees' Home Addresses

L.D. 1851 An Act To Implement the Recommendations of the Family Law Advisory Commission with Regard to the Uniform Parentage Act

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

Sincerely,

S/Sen. Peggy A. Pendleton
Senate Chair

S/Rep. William S. Norbert
House Chair

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

The Following Communication:

S.C. 515

121ST LEGISLATURE

COMMITTEE ON UTILITIES AND ENERGY

March 11, 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. 1889 Resolve, Directing the Public Utilities Commission To Implement Universal Rural
Broadband Internet Access Statewide

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:

S.C. 522

121ST LEGISLATURE
COMMITTEE ON
HEALTH AND HUMAN SERVICES

March 11, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|-----------|---|
| L.D. 1713 | Resolve, To Establish the Commission To Study Access to Prescription Medication for Persons with Mental Illness |
| L.D. 1726 | An Act To Require Criminal History Checks Prior to Placement of Children by the Department of Human Services |

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

Sincerely,

S/Sen. Michael Brennan
Senate Chair

S/Rep. Thomas J. Kane
House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities"

H.P. 1437 L.D. 1940

Reported that the same **Ought to Pass**, pursuant to Resolve 2003, chapter 69 and Resolve 2003, chapter 101, section 3.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass Pursuant to Statute and Resolve

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act"

H.P. 1432 L.D. 1933

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and Resolve 2003, chapter 101, section 1.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)

H.P. 1393 L.D. 1869

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.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance (EMERGENCY)

H.P. 1384 L.D. 1859

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.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land

H.P. 1403 L.D. 1896

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 **JUDICIARY** on Bill "An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections"

H.P. 1308 L.D. 1786

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-772)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-772)**.

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

READ ONCE.

Committee Amendment "A" (H-772) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Provide for the Assessment of the Mahogany Quahog Resource" (EMERGENCY)

H.P. 1271 L.D. 1749

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-769)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**.

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

READ ONCE.

Committee Amendment "A" (H-769) **READ** and **ADOPTED**, in concurrence.

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 Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes"

H.P. 1239 L.D. 1663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-770)**.

Signed:

Senators:

BROMLEY of Cumberland
HALL of Lincoln

Representatives:

SULLIVAN of Biddeford
AUSTIN of Gray
BEAUDETTE of Biddeford
JACOBSEN of Waterboro
SMITH of Monmouth
ROGERS of Brewer

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

Signed:

Representative:

DUPREY of Medway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-770) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships" (EMERGENCY)

H.P. 1289 L.D. 1767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-771)**.

Signed:

Senators:

PENDLETON of Cumberland
CATHCART of Penobscot

Representatives:

NORBERT of Portland
BULL of Freeport
SIMPSON of Auburn
GERZOFKY of Brunswick
BENNETT of Caribou
MILLS of Farmington
SHERMAN of Hodgdon
CARR of Lincoln
DUPREY of Hampden
BRYANT-DESCHENES of Turner

(Representative LORING of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended** Report.)

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

Signed:

Senator:

WOODCOCK of Franklin

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-771)**.

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass As Amended

Senator BRENNAN for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Compliance with Federal Medicaid Requirements"

S.P. 627 L.D. 1695

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-433)**.

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

READ ONCE.

Committee Amendment "A" (S-433) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent the Sale of Water Laced with Nicotine in Maine"

S.P. 587 L.D. 1631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-436)**.

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
DUGAY of Cherryfield
CRAVEN of Lewiston
EARLE of Damariscotta

PERRY of Calais
WALCOTT of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-437)**.

Signed:

Senator:

WESTON of Waldo

Representatives:

CURLEY of Scarborough
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436)** 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 TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436)** Report.

Divided Report

Ten members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Financial Efficiency of Facilities for Persons with Mental Retardation" (EMERGENCY)

S.P. 613 L.D. 1681

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-434)**.

Signed:

Senators:

BRENNAN of Cumberland

WESTON of Waldo

Representatives:

KANE of Saco

DUGAY of Cherryfield

CRAVEN of Lewiston

EARLE of Damariscotta

PERRY of Calais

CAMPBELL of Newfield

LEWIN of Eliot

WALCOTT of Lewiston

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-435).**

Signed:

Representative:

CURLEY of Scarborough

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representative:

SHIELDS of Auburn

Reports **READ.**

On motion by Senator **BRENNAN** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-434) ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-434) **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 State and Local Government Pursuant to the State Government Evaluation Act"

H.P. 1426 L.D. 1926

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

House As Amended

Bill "An Act To Amend the Laws Governing Growth Management"

H.P. 1244 L.D. 1668
(H "A" H-766 to C "A" H-759)

Bill "An Act To Control Adult Entertainment Establishments"

H.P. 1323 L.D. 1801
(C "A" H-733)

Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

H.P. 1354 L.D. 1831
(C "A" H-758)

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

Senate

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

S.P. 722 L.D. 1874

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend the Boiler and Pressure Vessel Law"

S.P. 727 L.D. 1879
(C "A" S-431)

Bill "An Act To Amend the Laws Governing the Loring Development Authority of Maine" (EMERGENCY)

S.P. 728 L.D. 1880
(C "A" S-432)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Conform to Federal Law Regarding Electronically Printed Credit and Debit Card Receipts and To Delay Enforcement of Civil Penalties

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

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 Provide Accurate Vital Records for Adults in Maine

H.P. 1217 L.D. 1640
(C "A" H-739)

An Act To Improve Awareness of Meningococcal Disease

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

An Act To Facilitate the Recovery of Stolen Property

S.P. 647 L.D. 1715
(C "A" S-407)

An Act To Update Laws Affecting the Military

H.P. 1274 L.D. 1752
(C "A" H-752)

An Act To Amend the Election Laws

H.P. 1277 L.D. 1755
(C "A" H-753)

An Act Concerning Technical Changes to the Tax Laws

H.P. 1338 L.D. 1816
(C "A" H-754)

An Act To Remove the Designation of the Lake Christopher Wildlife Management Area as a Wildlife Management Area

S.P. 685 L.D. 1842

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 Allow Beverage Sales from Mobile Service Bars on Golf Courses

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

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

The Chair noted the absence of the Senator from 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 (#277)

YEAS: Senators: BLAIS, CARPENTER, CATHCART, DAMON, DOUGLASS, GAGNON, GILMAN, HATCH, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, PENDLETON, SAVAGE, SHOREY, STANLEY, STRIMLING, TURNER, WESTON

NAYS: Senators: BENNETT, BRENNAN, BROMLEY, DAVIS, EDMONDS, HALL, KNEELAND, MARTIN, NASS, ROTUNDO, SAWYER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senator: BRYANT

EXCUSED: Senator: DAGGETT

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, 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.

An Act To Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities

H.P. 1286 L.D. 1764
(C "A" H-749)

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

Resolve

Resolve, To Establish a Committee To Examine Issues Relating to the Administration of Municipal General Assistance

H.P. 784 L.D. 1066
(C "A" H-738)

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LEMONT for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Establish the Maine Military Family Relief Fund"

S.P. 631 L.D. 1699

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-438)**.

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

READ ONCE.

Committee Amendment "A" (S-438) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator STANLEY for the Committee on **TAXATION** on Resolve, To Reduce the State Valuation for the Town of Lincoln

S.P. 733 L.D. 1887

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-440)**.

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

READ ONCE.

Committee Amendment "A" (S-440) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator STRIMLING for the Committee on **TAXATION** on Resolve, To Reduce the State Valuation for the Town of East Millinocket

S.P. 741 L.D. 1895

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-439)**.

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

READ ONCE.

Committee Amendment "A" (S-439) **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 **SHARON A. TREAT** of Kennebec County.

Senator **CATHCART** of Penobscot 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.

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

On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, to Tuesday, March 23, 2004, at 10:00 in the morning.