

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

In Senate Chamber
Tuesday
April 8, 2003

Senate called to order by President Beverly C. Daggett of Kennebec County.

Prayer by Senator Paul T. Davis, Sr. of Piscataquis County.

SENATOR DAVIS: Good morning. Let us pray.

Dear Lord, we come to You, humbly, Father, as Your children. We thank You for the privilege to pray to You at the beginning of this work day. As we pray, Lord, we remember the many times that the power of prayer has broken deadlocks, opened the way for greater unity, and brought light into the darkest of times. As we celebrate this power of prayer of times past, Lord, we ask You to deepen our prayers for this body, this state, and this nation. Help us to say these crucial words, Lord, one nation, under God, with new trust in You this morning. By Your grace, Father, we seek Your blessing upon our efforts of this day. In Jesus' name. Amen.

Reading of the Journal of Monday, April 7, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1119

**JOINT RESOLUTION RECOGNIZING THE 25TH ANNIVERSARY
OF THE FAMILY VIOLENCE PROJECT**

WHEREAS, the Family Violence Project is an independent, nonprofit organization dedicated to serving the special needs of all women, children and men who are experiencing domestic abuse; and

WHEREAS, the Family Violence Project was incorporated in 1978 and serves the communities of Kennebec and Somerset Counties, with offices located in Augusta, Winslow and Skowhegan, and is funded by local, state and federal funds, private grants, special fundraising events and donations; and

WHEREAS, The Family Violence Project provides valuable social services for advocacy and referrals privately and in the court system, and it provides a children's program, a school-based program, community education, support groups, batterer's intervention, a confidential hotline and emergency shelters; and

WHEREAS, in Maine, 50% of homicides are domestic abuse related and 60,000 people are victims of domestic assault annually; 95% of all domestic abuse victims are women, and one out of 4 American women will be physically assaulted at some time in their lives. The Family Violence Project is a member of the Maine Coalition to End Domestic Violence and provides a valuable service in our community; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, on behalf of the people of the State of Maine, congratulate the Family Violence Project on this milestone anniversary of excellent assistance in the community, and we acknowledge the extraordinary work that the Family Violence Project has performed over the years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Family Violence Project on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

S.C. 148

STATE OF MAINE SUPREME JUDICIAL COURT

April 4, 2003

Senator Beverly C. Daggett
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

Representative Patrick Colwell
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Re: Recodification of the Constitution

Dear Senate President Daggett and Speaker of the House Colwell:

It is my honor to present the 2003 recodification of the Maine Constitution.

Pursuant to the requirements of Article X, section 6 of the Maine Constitution, it is the responsibility of the Chief Justice of the Supreme Judicial Court to "arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof." Section 6 requires the Chief Justice to submit the recodification to the Legislature "in 1973 and every 10 years thereafter."

Along with the recodified Constitution, I have developed and enclosed notes indicating the history of changes to the Constitution and the few minor changes that have been made in this decade's recodification. Also incorporated in the notes is a listing of each article amending the Constitution along with the constitutional resolution that created it, its placement in this recodification, and its effective date.

CHANGES, 2003

Headings

Three heading changes have been made in this recodification. The first supplements the heading in Article IV, part I, section 4, to describe the contents of the entire section.

The second addresses the arrangement of Article IX, section 1, regarding oaths and subscriptions. The arrangement of sentences has been reorganized to make more sense with regard to the availability of an affirmation in place of an oath. None of the substantive language of the section has changed.

The third heading change occurs at Article IX, section 23, where a heading has been added that was not contained in the original certified amendment. The heading simply alerts the reader that the primary focus of section 23 is "State park land."

Minor Grammatical and Typographical Corrections

Eight minor grammatical corrections, and two corrections of typographical errors have been made in order to correct obvious grammatical and typographical errors, and to make the current version of the Constitution consistent with the grammatical uses of the actual language of amendments, or to correct minor oversights in the 1993 recodification. They are listed and described in the attached notes.

CHANGES CONSIDERED BUT NOT MADE, 2003

Additional consideration was given to Article II, section 1. The specific provision at issue grants the right to vote in elections for governor and state legislators to all U.S. citizens age eighteen or over who are residents in the State, "excepting persons under guardianship for reasons of mental illness." In 1997 and again in 2000, the Maine Legislature proposed a repeal of this constitutional provision. On both occasions the proposed repeal was rejected by the Maine voters in ballot questions. Maine is currently among many states that have some constitutional provision disenfranchising individuals with mental illness. The question presented regarding this recodification is whether the mental illness disenfranchisement provision is still "in force."

The provision prohibiting voting by persons under guardianship for reasons of mental illness was challenged in an action brought in Federal District Court in October 2000. Ultimately, Judge Singal of the Federal District Court held that the challenged prohibition violates the due process and equal protection clauses (both facially and as applied), the Americans with Disabilities Act (ADA), and the Rehabilitation Act. Doe v. Rowe, 156 F. Supp. 2d 35 (D. Me. 2001). That judgment was not appealed.

Despite the federal trial court's determination that certain restrictions on voting related to people with mental illness may not be enforced, a comprehensive constitutional approach has not yet been developed. The United States Supreme Court has not addressed the constitutionality of such provisions pursuant to the United States Constitution nor has it addressed whether these provisions are consistent with the ADA. Similarly, the Supreme Judicial Court of the State of Maine has not addressed the issue in its role as the Law Court.

At this point, I have concluded that I do not have the authority to delete that provision from the Constitution. It is incumbent upon me to be cautious in eliminating components of the Maine Constitution before there is final clarity that the provision may not be enforced under any circumstances against any party. Therefore, I have concluded that the provision will remain a part of the Constitution at the point of this recodification.

NEXT STEPS

Upon receipt by the Legislature of the recodification, the Constitution requires that "the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State."

As always, "the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State."

I have enclosed both the written version and an electronic version of the 2003 arrangement. It has been my honor to provide this recodification.

All the best,

S/Leigh I. Saufley
Chief Justice

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

The Following Communication:

S.C. 149

**121ST LEGISLATURE
COMMITTEE ON
APPROPRIATIONS AND FINANCIAL AFFAIRS**

April 7, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

- L.D. 119 An Act to Provide Continued Funding for the Maine Airs Program
- L.D. 120 An Act to Continue Membership in the National Legislative Association on Prescription Drug Pricing
- L.D. 124 An Act to Provide Funding for Positions to Provide Computer Services to the Blind
- L.D. 549 An Act To Restore Assistance to Low-income Families with Children Faced with High Housing Costs
- L.D. 1024 An Act To Increase Access to Prescription Drugs for Low-income Elderly and Disabled People
- L.D. 1048 An Act To Implement 2 Recommendations of the Commission on Fatherhood Issues Related to Family Case Management Officers and Noncustodial Parent Outreach Programs

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

Sincerely,

S/Sen. Mary R. Cathcart
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

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

The Following Communication:

S.C. 150

**121ST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

April 7, 2003

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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 618 An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers

L.D. 1436 An Act To Clarify That an Individual Requestor of a State Bureau of Identification Record Check Must Pay a Fee

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

The Following Communication:

S.C. 151

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

April 7, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

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

L.D. 60 An Act to Provide School Districts with Authority to Address the Problem of Truancy

L.D. 386 An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime

L.D. 390 An Act To Raise the High School Dropout Age

L.D. 641 An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs

L.D. 660 An Act To Create the Maine Humanities Authority

L.D. 687 An Act To Allow Home Schooled Athletes To Play on Private School Teams

L.D. 699 Resolve, To Address Multicultural Education Needs of Maine Teachers

L.D. 822 An Act To Provide Greater Protection for School Children

L.D. 931 An Act To Provide Certain Health Emergency Training to High School Seniors

L.D. 1103 An Act To Protect Children from Indecent Material on the Internet

- L.D. 1130 An Act To Protect Children from Classes Contradictory to Their Religious Beliefs
- L.D. 1202 An Act To Require Consistency in the School Budget Process
- L.D. 1229 An Act To Provide School Vouchers to Students in Overcrowded Schools
- L.D. 1241 An Act To Provide Tuition Subsidies for Students in High-growth Areas
- L.D. 1269 An Act To Support Maine's Educational Needs through a Public Education Partnership
- L.D. 1302 An Act To Expand Access to Higher Education

We have also notified the sponsors and cosponsors of each bill listed 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. 152

**121ST LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 7, 2003

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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 185 An Act to Allow Residents 70 Years of Age or Older to Hunt Any Deer
- L.D. 679 An Act to Permit Sunday Hunting in Maine
- L.D. 755 An Act To Permit Sunday Hunting for Residents of the State
- L.D. 790 An Act To Allow a Person To Assist in a Hunt
- L.D. 888 An Act To Establish a Season for Hunting Deer with Primitive Muzzle-loading Firearms
- L.D. 964 An Act To Help Disabled, Elderly and Junior Hunters
- L.D. 1122 An Act To Allow A Junior Hunter To Apply for an Antlerless Deer Permit
- L.D. 1166 Resolve, To Allow Selected Northern Maine Deer Hunters To Take 2 Deer
- L.D. 1227 An Act To Extend the Firearm Deer Hunting Season

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Matthew Dunlap
House Chair

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

The Following Communication:

S.C. 153

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

April 7, 2003

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. 490 An Act Concerning Citizens' Property Rights
- L.D. 770 An Act To Require a Land Survey Prior to Sale, Processing or Transfer of Any Parcel of Land
- L.D. 1029 An Act To Amend the Laws Governing Private Property on Which a Body Is Buried
- L.D. 1203 An Act Concerning Executive Sessions of Public Bodies

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. 154

**121ST LEGISLATURE
COMMITTEE ON TAXATION**

April 7, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 698 An Act To Increase the Amount Transferred through State-municipal Revenue Sharing
- L.D. 1031 An Act To Impose a Fee on Nonresidents Who Participate in Recreational Activities in the State
- L.D. 1071 An Act To Encourage the Use of Clean Fuel Vehicles
- L.D. 1100 An Act To Amend the Foreclosure Process
- L.D. 1172 An Act To Assist American Mills with Tree Growth Management Plan Products
- L.D. 1247 An Act To Lower the Tax on Prepared Food from 7% to 5%
- L.D. 1258 An Act To Ensure Appropriate Education for Health Care Workers

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

Sincerely,

S/Sen. Stephen Stanley
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

The Following Communication:

S.C. 155

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 7, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 33 An Act to Repeal the Annual Indexing of Motor Fuel Taxes
- L.D. 664 An Act To Make Changes to the Laws Governing the Tax on Motor Fuel
- L.D. 861 Resolve, Directing the Department of Transportation To Erect Signs Identifying Bodies of Water Crossed
- L.D. 923 Resolve, To Increase Safety in Stockton Springs
- L.D. 924 Resolve, To Enhance Public Safety in Winterport
- L.D. 925 Resolve, Directing the Department of Transportation To Repair Swan Lake Road in the Town of Frankfort
- L.D. 998 An Act Regarding Motor Vehicle Registration and Inspection Dates

L.D. 1050 Resolve, To Establish the Task Force to Study the Feasibility of Adding an Interchange for Access to the Lakes Region Area

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

Sincerely,

S/Sen. Pamela H. Hatch
Senate Chair

S/Rep. Ronald E. Usher
House Chair

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

SENATE PAPERS

Bill "An Act To Amend the Maine Banking Laws"

S.P. 512 L.D. 1534

Sponsored by Senator LaFOUNTAIN of York.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System" (EMERGENCY)

S.P. 514 L.D. 1535

Sponsored by Senator GAGNON of Kennebec.

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

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

Sent down for concurrence.

Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"

S.P. 515 L.D. 1536

Sponsored by Senator GAGNON of Kennebec.

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

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **LaFOUNTAIN** of York (Under suspension of the rules, cosponsored by Representative O'NEIL of Saco and Senators: DOUGLASS of Androscoggin, MAYO of

Sagadahoc, Representatives: BREULT of Buxton, CANAVAN of Waterville, GLYNN of South Portland, PERRY of Calais, PERRY of Bangor, SNOWE-MELLO of Poland, VAUGHAN of Durham, WOODBURY of Yarmouth, YOUNG of Limestone), the following Joint Resolution:
S.P. 513

**JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE
MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION
OF COMMUNITY BANKS**

WHEREAS, the members and predecessors of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for over 180 years; and

WHEREAS, in just this past year alone, the 14,000 employees of the Maine Bankers Association and the Maine Association of Community Banks have volunteered more than 400,000 hours, enhancing the lives of Maine adults and children throughout the State; and

WHEREAS, the associations' members have supported these volunteer activities and other community and statewide organizations with corporate contributions in excess of \$6,000,000; and

WHEREAS, the associations are active supporters of the America's Promise campaign for youth and provide to Maine youth the 5 fundamental resources of the America's Promise program: an ongoing relationship with a caring adult mentor, tutor or coach; safe places and structured activities during nonschool hours; a healthy start; a marketable skill through effective education; and an opportunity to give back through community service; and

WHEREAS, the commitment to volunteerism of the banking industry's 14,000 employees is represented here today by this year's 2003 America's Promise Volunteers:

Gary Stone, Camden National Bank; Greg Dalton, Bar Harbor Bankshares; Katherine Barter, Bath Savings Institution; Francine Anton, Biddeford Savings Bank; Barbara Boone, Damariscotta Bank and Trust; Tony McKim, First National Bank of Bar Harbor; William Lucy, Merrill Bank; Timothy Thompson, Franklin Savings Bank; Emily Hosford, Katahdin Trust Company; Laura Hudson, Kennebec Savings Bank; Susan Morgan, Kennebunk Savings Bank; Terry Trickey, Key Bank, N.A.; Susan Hart, Machias Savings Bank; Michele Gasco, Maine Bank and Trust; Randy Chambers, MBNA; Amy Rollins, First National Bank of Damariscotta; Lynn Hamper, Northeast Bank, FSB; Ellen McClure, Ocean National Bank; Karen Hart, Skowhegan Savings Bank; Jackie Roberts, Sanford Institution for Savings; Phyllis Harmon, Union Trust Company; Valarie Coolong, UnitedKingfield Bank; and Patricia Stebbins-Kahl and Roxanne Salatino, Fleet Bank, N.A.; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have also committed financial resources and their people to improving the financial literacy of Maine's adults and youth through school and community financial education programs; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks are among the first Maine industry groups to formally sign a "Statement of Support for the National Guard and the Reserve"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their commitment and contributions to their communities and in strengthening Maine's long tradition of service to others; and to recognize this industry's support for the Maine men and women of the National Guard and Reserve and the contributions that these citizens of our State are making in support of freedom and liberty; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and the 2003 America's Promise Volunteers.

READ.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you, Madame President, men and women of the Senate. As many of you know, today is Bankers' Day here in the Maine Legislature. We are pleased to have, in our presence today, in session and in the halls of the State Capital, members of the Maine Bankers' Association and members of the Maine Association of Community Banks.

As many of you know, Maine banks employ approximately 14,000 individuals from Kittery to Madawaska and play an extremely important role in communities. Not only are they the financial backbone of the community, but they also devote a substantial amount of time towards volunteerism and contributions towards civic organizations in our communities. This resolution seeks to recognize members of both associations who have been active in this year's 2003 America's Promise Volunteers. Thank you.

On motion by Senator **LAFOUNTAIN** of York, **ADOPTED.**

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The chair is pleased to recognize the 2003 America's Promise Volunteers: Gary Stone from the Camden National Bank; Greg Dalton, Bar Harbor Bankshares; Katherine Barter, Bath Savings Institution; Francine Anton, Biddeford Savings Bank; Barbara Boone, of the Damariscotta Bank and Trust; Tony McKim from the First National Bank of Bar Harbor; William Lucy from the Merrill Bank; Timothy Thompson from the Franklin Savings Bank; Emily Hosford from Katahdin Trust Company; Laura Hudson from the Kennebec Savings Bank; Susan Morgan, Kennebunk Savings Bank; Terry Trickey from Key Bank, N.A.; Susan Hart from the Machias Savings Bank; Michele Gasco from Maine Bank and Trust; Randy Chambers, MBNA; Amy Rollins, First National Bank of Damariscotta; Lynn Hamper, Northeast Bank, FSB; Ellen McClure, Ocean National Bank; Karen Hart, Skowhegan Savings Bank; Jackie Roberts, Sanford Institution for Savings; Phyllis Harmon, Union Trust Company; Valarie Coolong, UnitedKingfield Bank; and Patricia Stebbins-Kahl and Roxanne Salatino from Fleet Bank, N.A. We are pleased to recognize those people and all of the bankers who are shadowing Senators today. Would they please rise and accept the greetings of the Maine Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Repeal the Forest Products Antitrust Exemption"

H.P. 487 L.D. 657

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 **JUDICIARY** on Bill "An Act To Allow a Municipality To Donate Abandoned Bicycles to a Charitable Organization"

H.P. 127 L.D. 168

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-80)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-80)**.

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

READ ONCE.

Committee Amendment "A" (H-80) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Increase the Value of Real and Personal Property Exempt from Attachment"

H.P. 202 L.D. 247

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.

The Committee on **JUDICIARY** on Bill "An Act To Provide Testing for a Public Safety or Health Care Employee Exposed to Body Fluids in the Course of Employment"

H.P. 404 L.D. 519

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-79)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)**.

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

READ ONCE.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act To Expand the Powers and Authority of Case Management Officers in the Family Division"

H.P. 547 L.D. 741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-82)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)**.

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

READ ONCE.

Committee Amendment "A" (H-82) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months"

H.P. 76 L.D. 68

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

READ ONCE.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans"

H.P. 291 L.D. 371

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85)**.

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

READ ONCE.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit Coyote Snaring and Eliminate the Coyote Snaring Program"

H.P. 192 L.D. 237

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-75)**.

Signed:

Senators:

BRYANT of Oxford
CARPENTER of York
KNEELAND of Aroostook

Representatives:

DUNLAP of Old Town
RICHARDSON of Greenville
TOBIN of Dexter
HONEY of Boothbay
McGLOCKLIN of Embden
TRAHAN of Waldoboro
WHEELER of Kittery
WOTTON of Littleton
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-76)**.

Signed:

Representative:

PINEAU of Jay

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Require Flashing Lights for Private Snow Plows"

H.P. 156 L.D. 197

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-25)**.

Signed:

Senators:

HATCH of Somerset
DAMON of Hancock
SAVAGE of Knox

Representatives:

USHER of Westbrook
MARLEY of Portland
McNEIL of Rockland
SAMPSON of Auburn
MARRACHÉ of Waterville
PARADIS of Frenchville

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

Signed:

Representatives:

JODREY of Bethel
COLLINS of Wells
BROWNE of Vassalboro
McKENNEY of Cumberland

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **HATCH** of Somerset, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "A" (H-25) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY

Senate

Ought to Pass

Senator DOUGLASS for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Age Eligibility for Enrollment in a Public Secondary School" (EMERGENCY)
S.P. 201 L.D. 592

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Amend Marine Resources Special License Requirements for Educational Programs"
S.P. 474 L.D. 1437

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Expand the Mission of the Marine Patrol"
S.P. 458 L.D. 1388

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-28)**.

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

READ ONCE.

Committee Amendment "A" (S-28) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-28)**.

Ordered sent down forthwith for concurrence.

SECOND READERS

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

Senate

Bill "An Act To Require Continuing Education for Professional Engineers"
S.P. 320 L.D. 979

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

Sent down for concurrence.

Bill "An Act to Allow Electronic Calling Devices for Hunting"
S.P. 80 L.D. 157

READ A SECOND TIME.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

Senate As Amended

Resolve, Directing the Department of Audit To Establish a Fraud Hotline
S.P. 115 L.D. 333
(C "A" S-26)

Bill "An Act To Promote Clarity Regarding Death Certificates" (EMERGENCY)
S.P. 127 L.D. 351
(C "A" S-24)

Bill "An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks"
S.P. 133 L.D. 396
(C "A" S-23)

Bill "An Act To Improve State Accounting Procedures" (EMERGENCY)
S.P. 215 L.D. 606
(C "A" S-27)

Resolve, To Study the Effects of NAFTA on Maine Businesses
S.P. 216 L.D. 607
(C "A" S-22)

Bill "An Act To Clarify the Responsibilities of Contract Law Enforcement Officers"
S.P. 290 L.D. 895
(C "A" S-25)

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:

Acts

An Act to Extend the Time to Pay a Premium to the Insured

H.P. 9 L.D. 2
(C "A" H-29)

An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities

H.P. 72 L.D. 64
(C "A" H-30)

An Act To Clarify the Authority of the Superintendent of Financial Institutions Regarding a Credit Union's Conversion of Its Field of Membership

H.P. 130 L.D. 171
(C "A" H-31)

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

An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education

H.P. 284 L.D. 364
(C "A" H-33)

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

Resolve

Resolve, Regarding State Designation of Memorials Honoring Maine's Vietnam War Veterans

H.P. 277 L.D. 357
(C "A" H-26)

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

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/7/03) Assigned matter:

JOINT ORDER - Directing the Joint Standing Committee on Criminal Justice and Public Safety To Report Out a Bill Regarding Prisoner Participation in Public Works Projects

H.P. 1111

Tabled - April 7, 2003, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, April 2, 2003, **READ** and **PASSED**.)

(In Senate, April 7, 2003, **READ**.)

PASSED, in concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **TREAT** 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.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend Provisions of the Submerged Lands Law"

H.P. 1123 L.D. 1531

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law"

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create the Maine National Guard Education Assistance Program"
H.P. 1126 L.D. 1533

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

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit Coyote Snaring and Eliminate the Coyote Snaring Program"
H.P. 192 L.D. 237

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-75)** (12 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-76)** (1 member)

Tabled - April 8, 2003, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 2, 2003, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75).**)

(In Senate, April 8, 2003, Reports **READ.**)

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Hall.

Senator **HALL:** Thank you, Madame President, and members of the Senate. I rise, with some reluctance, to speak in opposition to the Majority Report today. My reluctance is twofold.

First, I absolutely respect the work that the committee has done in trying to work this issue to some kind of compromise.

My second grounds for reluctance is that, all too often, contentious issues around hunting become divisive urban versus rural divides. My sympathies are greatly with the hunting and outdoor recreation community, whose defensiveness is entirely understandable given the erosion of their rights and of hunting, fishing, and trapping in the State of Maine in recent years.

But I must speak in opposition to the Majority Ought to Pass motion and urge instead acceptance of the Minority Ought to Pass report for all of the reasons that you have already heard and read in the papers that have been circulated to you, in the editorials you've read in the state's newspapers,

but chiefly and primarily for this reason, the program does not work. It does not work because the natural ecosystem of Maine is, in economic terms, a free market. We interfere in it at our peril. It does not work because when a small number of coyotes are killed under this control program, the survivors simply increase their breeding rate. There is no evidence, whatsoever, that this program has the material impact on the levels of coyotes or the levels of our deer herds. It seems to me, stripping away all the emotion behind this issue, that when a program does not work, we should peacefully bury it. For that reason, Madame President, I ask you to vote against the Majority Ought to Pass report and hope that later we will move to the Minority Ought to Pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Edmonds.

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I first want to praise the work of the committee for bringing a better solution than what presently exists in law, regarding this issue. But I am still going to urge you to vote for the Minority Report, mostly because I'm concerned about non-target species being killed in these snares. I just think that is not the way for us to go. I appreciate the challenge of keeping the deer herd healthy. But I don't want us to continue with this particular method. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I, too, am rising and asking that you oppose the motion on the floor and reject the Majority Ought to Pass report on this matter. I can't stand before you and say that I am a hunter or a trapper. I do very much respect those who do this, either for professional reasons or for recreation purposes. I am not opposed, in fact, to the use of snaring. But I do believe this is a program that has not worked.

While I applaud the committee, they have tried very hard to restrict this program and be responsive to much of the testimony that they have heard. I believe it's a program that has failed. When I listen to biologists and professions, on both sides of this issue, it is clear to me that there is lots of divisiveness, albeit respectful divisiveness, around the matter of coyotes and our ability to control them, and what effect that could possibly have on our deer yards. It's my opinion, and obviously only my opinion, that these programs do not work, have not worked in other places, and will continue not to work.

I think people refer to the coyote as wile, and probably wile for very good reasons. They are a predator, and a smart one. I'm not saying they cannot be caught in snares, I'm sure that they can be. I do believe, however, that this program has failed and will continue to fail in whatever form we choose to keep it. So I would ask that you join me and other Senators in the chamber in voting against the Majority Ought to Pass report. Thank you.

The Chair ordered a Division. 19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-75) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, April 10, 2003, at 10:00 in the morning.