

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

In Senate Chamber
Thursday
April 10, 2003

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

Prayer by Reverend Howard Cole, Augusta Baptist Church.

REVEREND COLE: Let us pray. Almighty God and Heavenly Father, we thank Thee that Thou art a God who loves us, who cares for us, and watches over us. We thank Thee, Heavenly Father, that Thou daily provide us with many benefits and blessings. We thank Thee, Heavenly Father, for the privilege of living in the United States of America, the land of the free and the home of the brave. We thank Thee that this is a land of good and plenty, from sea to shining sea. We thank Thee, Heavenly Father, that Thou doest give wisdom and guidance to our political leaders and we would ask for that this day.

We pray for our President and our Vice President. We pray for our political and military leaders. We would especially remember to pray for our troops that are battling over in the nation of Iraq. We ask, Lord, that Thou will grant to them a quick victory and keep our troops safe. For those who have been injured, we pray for Thy healing. For those who have lost loved ones, we would ask for Thy comfort. We'd also pray for the Iraqi people and ask, Lord, that the day might come that they might experience the liberties and freedoms that we enjoy in this country, that one day they, too, might look upon the United States as an ally and as a friend.

We thank Thee for the privilege of living in the great State of Maine. We thank Thee for the beauty of this state. We would pray for our Governor and for our Legislative and Judicial branches of government. We especially would remember the Senators here in these hallowed chambers. We pray that the decisions made this day might be just and right in Thy sight. We pray that Thou will give them insight for today and a vision for tomorrow. We pray, Heavenly Father, for faith for this day and hope for the future and Thy blessing, in all and above all, in Jesus' name. Amen.

Doctor of the day, Joseph Kerwin, D.C. of Gorham.

Reading of the Journal of Tuesday, April 8, 2003.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Joint Order:

S.P. 518

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 14, 2003, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine (EMERGENCY)

S.P. 446 L.D. 1358

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

In Senate, March 13, 2003, under suspension of the Rules, **READ TWICE AND PASSED TO BE ENGROSSED**, without reference to a Committee.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-97)**, in **NON-CONCURRENCE**.

On motion by Senator **BRYANT** of Oxford, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication:

S.C. 156

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

April 3, 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. 893 An Act To Authorize County Jails To Purchase Prescription Drugs and Other Medications in Bulk for Prisoners
- L.D. 1125 An Act To Eliminate the Concealed Weapons Permit
- L.D. 1164 An Act To Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit

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. 157

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

April 3, 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. 624 Resolve, Directing the Department of Education to Use Money for School Transportation Costs for Payment of School Crossing Guards
- L.D. 1205 Resolve, Regarding the Effect of the Income Factor on General Purpose Aid for Local Schools
- L.D. 1303 An Act To Provide for Full State Funding for Special Education Costs
- L.D. 1355 An Act To Increase State Funding for Renovation, Repair and Replacement of Schools for Local Communities by Limiting the State's Debt Limit for New School Construction
- L.D. 1369 An Act To Establish the Maine Community College System

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. 158

**121ST LEGISLATURE
COMMITTEE ON JUDICIARY**

April 3, 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. 537 An Act To Ensure Access to Expert Testimony
- L.D. 543 An Act To Promote Corporate Ethics
- L.D. 594 An Act To Establish a Limit on Noneconomic Damages in Medical Malpractice Actions

- L.D. 675 An Act To Allow Copies of E-9-1-1 Tapes To Be Admitted into Evidence
L.D. 912 An Act To Protect Children in Protection from Abuse Proceedings
L.D. 961 An Act Clarifying Child Support Obligations
L.D. 1037 An Act Regarding District Attorneys' Staff

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. 159

**121ST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 3, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 456 Resolve, Directing the Department of Administrative and Financial Services to Examine the Potential Cost Savings of Offering State Employees Early Retirement

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Janet L. McLaughlin
House Chair

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

The Following Communication:

S.C. 160

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 3, 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 bill out "Ought Not to Pass":

L.D. 520 An Act To Improve Motor Vehicle Safety

We have also notified the sponsor and cosponsors 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.**

The Following Communication:

S.C. 161

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

April 3, 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 Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1006 An Act To Require Confirmation of Appointments to the Board of Accountancy

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. 162

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

April 3, 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 Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1188 An Act To Control Unsolicited Commercial E-mail

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.**

SENATE PAPERS

Bill "An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals"

S.P. 517 L.D. 1543

Sponsored by Senator BRYANT of Oxford.

Cosponsored by Representative CARR of Lincoln and Senator: KNEELAND of Aroostook,
Representatives: HONEY of Boothbay, LUNDEEN of Mars Hill.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Bill "An Act To Amend the Animal Welfare Laws"

S.P. 520 L.D. 1545

Sponsored by Senator BRYANT of Oxford.

Cosponsored by Representative PINEAU of Jay and Senator: KNEELAND of Aroostook,
Representative: PIOTTI of Unity.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act Regarding Eligibility under the Municipal Investment Trust Fund"

S.P. 523 L.D. 1554

Sponsored by Senator BROMLEY of Cumberland. (GOVERNOR'S BILL)

Cosponsored by Senators: President DAGGETT of Kennebec, ROTUNDO of Androscoggin,
YOUNGBLOOD of Penobscot, Representatives: DUPLESSIE of Westbrook, KOFFMAN of Bar
Harbor, MILLS of Cornville, SUSLOVIC of Portland, TOBIN of Windham.

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

Sent down for concurrence.

Bill "An Act To Permit Special Purpose Reinsurance Vehicles"

S.P. 522 L.D. 1553

Sponsored by Senator LaFOUNTAIN of York.

Cosponsored by Representative YOUNG of Limestone.

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 Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries"

S.P. 519 L.D. 1544

Sponsored by Senator EDMONDS of Cumberland.

Cosponsored by Representative DUPLESSIE of Westbrook and Representatives: JACKSON of Fort Kent, TREADWELL of Carmel.

Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs"

S.P. 521 L.D. 1552

Sponsored by Senator EDMONDS of Cumberland.

Cosponsored by Representative TREADWELL of Carmel and Senator: BLAIS of Kennebec, Representative: SMITH of Van Buren.

Submitted by the Department of Labor pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Clarify that the Maine Military Authority Is Part of the Military Bureau" (EMERGENCY)

S.P. 516 L.D. 1537

Sponsored by Senator KNEELAND of Aroostook.

Cosponsored by Representative CLARK of Millinocket.

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

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

Senate Order

On motion by Senator **GAGNON** of Kennebec, the following Senate Order:

S.O. 21

ORDERED, that pursuant to Joint Rule 353, subsection 8, a special study table is established in the Senate.

READ and PASSED.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Clarify Campaign Finance Penalty Provisions"

H.P. 346 L.D. 454

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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Home Construction Contracts Laws"

H.P. 230 L.D. 287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**.

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

READ ONCE.

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Bail and Fines"

H.P. 615 L.D. 838

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-90)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-90)**.

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

READ ONCE.

Committee Amendment "A" (H-90) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations"

H.P. 461 L.D. 631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-95)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95)**.

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

READ ONCE.

Committee Amendment "A" (H-95) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, Directing the Department of Transportation to Perform a Regional Corridor Traffic Study

H.P. 255 L.D. 312

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

Signed:

Senator:

SAVAGE of Knox

Representatives:

USHER of Westbrook

MARLEY of Portland

PARADIS of Frenchville

MARRACHÉ of Waterville

SAMPSON of Auburn

McKENNEY of Cumberland

COLLINS of Wells

McNEIL of Rockland

JODREY of Bethel

BROWNE of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-91)**.

Signed:

Senators:

HATCH of Somerset

DAMON of Hancock

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **HATCH** of Somerset, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Ought to Pass

Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes"

S.P. 386 L.D. 1182

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998"

S.P. 365 L.D. 1093

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 BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect the Future of the U.S. Naval Air Station at Brunswick"

S.P. 309 L.D. 968

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-37)**.

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

READ ONCE.

Committee Amendment "A" (S-37) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety, Order and Discipline"

S.P. 145 L.D. 427

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-29)**.

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

READ ONCE.

Committee Amendment "A" (S-29) **READ**.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-29).

Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Effective Prosecution of Certain Repeat Offenders"
S.P. 317 L.D. 976

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-33)**.

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

READ ONCE.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Establish the Commercial Fishing Safety Council"
S.P. 478 L.D. 1440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-32)**.

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

READ ONCE.

Committee Amendment "A" (S-32) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-32)**.

Ordered sent down forthwith for concurrence.

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act to Require Signs on Interstate 95 for Chamberlain Freedom Park"
S.P. 75 L.D. 152

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-36)**.

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

READ ONCE.

Committee Amendment "A" (S-36) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates" (EMERGENCY)
S.P. 213 L.D. 604

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-34)**.

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

READ ONCE.

Committee Amendment "A" (S-34) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HATCH for the Committee on **TRANSPORTATION** on Bill "An Act To Enhance Vistas"
S.P. 267 L.D. 788

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-35).**

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

READ ONCE.

Committee Amendment "A" (S-35) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SAVAGE for the Committee on **TRANSPORTATION** on Resolve, To Declare Maine
Aviation Education Week (EMERGENCY)

S.P. 274 L.D. 795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-31).**

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

READ ONCE.

Committee Amendment "A" (S-31) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on
Bill "An Act To Limit State Land Ownership"

S.P. 124 L.D. 348

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

Signed:

Senators:

BRYANT of Oxford
KNEELAND of Aroostook

Representatives:

McKEE of Wayne
LUNDEEN of Mars Hill
PINEAU of Jay
PIOTTI of Unity
SMITH of Monmouth
HONEY of Boothbay
CHURCHILL of Orland
FLETCHER of Winslow

EDER of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-30)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representative:

CARR of Lincoln

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

(See action later today.)

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prevent Health Insurance Fraud"

S.P. 221 L.D. 612

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

Signed:

Senators:

LaFOUNTAIN of York

MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham

PERRY of Calais

WOODBURY of Yarmouth

O'NEIL of Saco

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**.

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

BREAULT of Buxton

CANAVAN of Waterville

Reports **READ**.

On motion by Senator **LAFOUNTAIN** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Increase Penalties for Passing a Stopped School Bus"

S.P. 329 L.D. 988

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

Signed:

Senators:

HATCH of Somerset
SAVAGE of Knox
DAMON of Hancock

Representatives:

JODREY of Bethel
McNEIL of Rockland
COLLINS of Wells
USHER of Westbrook
BROWNE of Vassalboro
MARRACHÉ of Waterville
McKENNEY of Cumberland
PARADIS of Frenchville

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

Signed:

Representatives:

MARLEY of Portland
SAMPSON of Auburn

Reports **READ**.

On motion by Senator **HATCH** of Somerset, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act To Repeal the Forest Products Antitrust Exemption"

H.P. 487 L.D. 657

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

House As Amended

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
(C "A" H-83)

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

H.P. 127 L.D. 168
(C "A" H-80)

Bill "An Act To Prohibit Coyote Snaring and Eliminate the Coyote Snaring Program"

H.P. 192 L.D. 237
(C "A" H-75)

Bill "An Act To Increase the Value of Real and Personal Property Exempt from Attachment"

H.P. 202 L.D. 247
(C "A" H-81)

Bill "An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans"

H.P. 291 L.D. 371
(C "A" H-85)

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
(C "A" H-79)

Bill "An Act To Expand the Powers and Authority of Case Management Officers in the Family Division"

H.P. 547 L.D. 741
(C "A" H-82)

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

Bill "An Act to Require Flashing Lights for Private Snow Plows"

H.P. 156 L.D. 197
(C "A" H-25)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act Regarding Age Eligibility for Enrollment in a Public Secondary School" (EMERGENCY)

S.P. 201 L.D. 592

Bill "An Act To Amend Marine Resources Special License Requirements for Educational Programs"

S.P. 474 L.D. 1437

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

Sent down for concurrence.

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:

Emergency Measure

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

S.P. 26 L.D. 40
(C "A" S-4)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, March 26, 2003, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**, in concurrence.)

(In House, April 2, 2003, **FINALLY PASSED**.)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senator **TURNER** of Cumberland 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

**Pursuant to the Constitution
Apportionment Commission**

Bill "An Act To Reapportion the House Legislative Districts"

H.P. 1138 L.D. 1555

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the Rules, **READ TWICE**.

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

Senator **NASS:** Madame President, men and women of the Senate, it is my pleasure to support this reapportionment plan for the House. It is one of two parts of this process that were agreed upon. I'll speak to the second part in a few minutes.

The 151 House districts have been reapportioned. The plan, I hope you've had a chance to see it, has been floating around here for at least a week and a half. It was successfully agreed upon by the two parties, the Democratic Party and the Republican Party, that this plan be the plan for reapportionment for the House districts in the State of Maine for the next 10 years. Thank you.

PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Apportionment Commission**

Bill "An Act To Reapportion the Districts for Representatives to the United States Congress"

H.P. 1139 L.D. 1556

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

READ ONCE, without reference to a Committee.

Pursuant to Senate Rule 510, **ASSIGNED FOR SECOND READING AT 1:40 IN THE AFTERNOON**.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Apportionment Commission**

Bill "An Act To Reapportion the County Commissioner Districts"

H.P. 1140 L.D. 1557

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the Rules, **READ TWICE**.

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

Senator **NASS:** Madame President, men and women of the Senate, it is my pleasure to, again, introduce an agreed upon plan to reapportion the County Commissioner Districts, for the State of Maine for the next decade. The process that was followed here, as you might expect, was that all the county commissioners in 16 counties were queried. They, essentially, developed their plan for reapportioning their counties. Those plans were submitted to the Reapportionment Commission and were adopted with minor adjustments where census tracts, or census blocks, were missing or unaccounted for. Thank you, Madame President.

PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To License Home Building and Improvement Contractors"

H.P. 1137 L.D. 1551

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend Certain Provisions Relating to a Permit To Carry Concealed Firearms To Be Consistent with Changes to the Statute Relating to Possession of Firearms by Prohibited Persons"

H.P. 1132 L.D. 1546

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Effectively Separate Children's Homes from Adult Residential Care Facilities Regarding Fire Safety"

H.P. 1131 L.D. 1542

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Clarify the Appointment of Coguardians and Coconservators under the Probate Code"

H.P. 1127 L.D. 1538

Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks" (EMERGENCY)

H.P. 1128 L.D. 1539

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** 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 Amend the Election Laws"

H.P. 1134 L.D. 1548

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.

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 Certain Laws Administered by the Department of Environmental Protection"

H.P. 1133 L.D. 1547

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

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington
H.P. 1130 L.D. 1541

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

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

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Authorizing the Transfer of Land from the State to Maine School Administrative District No. 16
H.P. 1136 L.D. 1550

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Public Law
Health Care System and Health Security Board**

The **Health Care System and Health Security Board**, pursuant to Public Law 2001, c. 439, Pt. ZZZ, section 1 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Health Care System and Health Security Board"
H.P. 1129 L.D. 1540

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Resolve
Joint Standing Committee on Natural Resources**

The **Joint Standing Committee on Natural Resources**, pursuant to Resolve 2001, chapter 93 asked leave to report that the accompanying Bill "An Act To Fund Municipal Collection of Household Hazardous Waste"

H.P. 1135 L.D. 1549

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **EDMONDS** of Cumberland, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Expand the Mission of the Marine Patrol

S.P. 458 L.D. 1388
(C "A" S-28)

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

Senator **BROMLEY** of Cumberland 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.

Off Record Remarks

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on the following:

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Limit State Land Ownership"

S.P. 124 L.D. 348

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-30)** (2 members)

(In Senate, April 10, 2003, Reports **READ**. On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Madame President, men and women of the Senate. I rise here today to speak on this bill. This is one I submitted to the committee.

First of all, I am not against land conservation. The setting aside of land for future generations is a very valuable asset to the tourism industry, the economy, and to the heritage of Maine. However, this is a case where sometimes too much of a good thing can be detrimental, with unintended consequences. The State of Maine currently has no policy on the amount of land the state should own. As a matter of fact, the State of Maine has no idea at all how much land it owns. There are vague ideas about it and percentages, but we really don't know how much land we own.

This bill, with the committee amendment, sets parameters on the amount of land the state can own and takes it off the tax rolls which will have a direct impact upon local property taxes. This is something we've heard about a lot, in my campaigning anyways, property taxes. People in my district ask me, 'why are we buying all this land in Washington County and taking it off the tax rolls, driving my taxes up higher?' I couldn't answer the question. Thus, I brought forward this bill.

Much of the land the state is looking to purchase is in the poorest counties of the state. The residents of these counties can least afford to pay the higher taxes due to the loss of taxable land. I, as well as a majority of people in the State of Maine, supported the \$50 million bond for Lands For Maine's Future to purchase land under these programs. But nowhere in that bond did it say how much land the State of Maine should purchase. I would suggest to you that \$50 million would not purchase 1/5 of the State of Maine.

What I am asking you to do is to reject this motion so we can move onto Committee Amendment "A" (S-30), where we will look at the bill. It says that no more than 1/3 of any county can be owned by the state, nor can more than 1/5 of the entire state can be owned by the state. What it also does is take out municipal ownership as a percentage.

So what I would ask is that you vote against the pending motion so we can move on and pass Committee Amendment "A" (S-30), so we can tell the people in the State of Maine and our taxpayers that the State of Maine is not going to be the majority landowner in the state. Madame President, I request a roll call.

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

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I would encourage you to stay with the motion that is before us, Ought Not to Pass. This bill has such arbitrary limits. The land that we are talking about has willing sellers, willing buyers. Towns have the option to participate or not to participate. I think the people of the State of Maine will let us know when they feel that they don't want any more land bought. They won't be passing any bonds.

I would also state that during the public hearings there were really no people from the public to testify for this bill. I would urge you to pass the committee's recommendation of Ought Not to Pass.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President, and members of the Senate. I approach this from an entirely different approach. I'm one of those who, a number of years ago, when industry started to sell off the state from one end to the other, and was basically losing control of some of the land used for forest production and tree protection for our mills and sources of raw materials, encouraged the previous Governor to actually buy the land. As a matter of fact, it would probably have been about 1 million acres. That, to me, would have guaranteed that this land stayed in production.

That is happening again, right now. As you may know, Yale University has just put their land up for sale. It could go to anyone. It could go to someone who decides that they have enough money to take it off the market so that it will not be used for forest production of trees for our mills.

Frankly, I'd be concerned to have this Maine law as our policy. I think that we really ought to be looking at it from the opposite direction. I agree with the concern about some, in terms of taking land out of the tax basis, but I will point out, for those communities that are affected, that if the land is taken off the tax roll the county tax goes down, the amount of money that comes in to the municipality for revenue sharing goes up, and the amount of money that comes in from school subsidies goes up. The overall tax impact is very substantially reduced. I do think that it could set a very bad policy. That is a separate issue. I think that, if a county or an area doesn't want the state to purchase, I suppose that is fine. But I'm coming at it from a totally different direction. At some point, we're going to be impacted by someone with a lot of money who decides that they are going to buy a million acres and it will be simply locked up and will be unusable for our mills in this state.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#29)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, CARPENTER, DAVIS, GILMAN, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: LEMONT

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BRYANT** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

SECOND READERS

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

House

Bill "An Act To Reapportion the Districts for Representatives to the United States Congress"
H.P. 1139 L.D. 1556

READ A SECOND TIME.

On motion by Senator **TREAT** of Kennebec, **TABLED** Unassigned, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

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

ENACTORS

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

An Act To Reapportion the House Legislative Districts
H.P. 1138 L.D. 1555

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

ENACTORS

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

An Act To Reapportion the County Commissioner Districts
H.P. 1140 L.D. 1557

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Monday, April 14, 2003, at 10:00 in the morning.