

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

In Senate Chamber
Thursday
January 30, 2003

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

Prayer by Reverend Dr. Jesse James, Riverview Community Congregational Parish in Gardiner.

REVEREND JAMES: Let us pray. We thank Thee for these honorable men and women who give their time to lead and guide the people of this state. We pray for the members of this body. Help them to discharge their duties faithfully. Grant them wisdom and strength. May Your wisdom and power be with this body and all who have been entrusted with leadership. Give them courage and integrity.

We pray for the family and friends of Dominique J. Tardif. May they have peace and comfort during their time of loss. We beseech Thee to bless our leaders, the President of the United States, the Governor of this state, the members of this body and their staff, and all who serve to protect our land and its freedom. May their faith be with them today and every day.

We thank Thee for our rich heritage and pray that we may never take lightly the rights and privileges we enjoy, which have been obtained at a great price. Let us understand that You are with us always. We pray for Your wisdom and guidance in all things. May You be with us today and every day. Amen.

Doctor of the day, Kenneth Christian, M.D. of Holden.

Reading of the Journal of Tuesday, January 28, 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. 132

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 4, 2003, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication:

S.P. 131

**STATE OF MAINE
121st MAINE LEGISLATURE**

January 28, 2003

Sen. Bruce S. Bryant
Senate Chair, Joint Standing Committee on
Inland Fisheries and Wildlife
Rep. Matthew Dunlap
House Chair, Joint Standing Committee on
Inland Fisheries and Wildlife
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative Dunlap:

Please be advised that Governor John E. Baldacci has nominated Roland (Dan) Martin of Caribou as Commissioner of the Department of Inland Fisheries and Wildlife.

Pursuant to Title 12, M.R.S.A. §7031, this nomination will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Beverly Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

The Following Communication:

H.P. 270

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 24, 2003

Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Rule 354 of the Joint Rules, I am pleased to appoint the following representatives to serve as members of the Joint Select Committee on Joint Rules:

Representative William S. Norbert of Portland
Representative Robert W. Duplessie of Westbrook
Representative Janet T. Mills of Farmington
Representative Richard W. Rosen of Bucksport
Representative S. Peter Mills of Cornville

If you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

S/Patrick Colwell
Speaker of the House

Comes from the House, **READ and ORDERED PLACED ON FILE**.

READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication:

S.C. 20

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 23, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Title 38, MRSA, Section 343-D, I have appointed Deborah Roy of Portland to the Pollution Prevention Advisory Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 21

**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 23, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to our authority under Title 12, MRSA, Chapter 419, Section 4652, we have appointed Sen. Dennis Damon of Hancock to the Atlantic States Marine Fisheries Commission.

Sen. Damon will be replacing Rep. David Etnier as the legislative appointee from Maine.

Please let us know if you have questions regarding this appointment.

Sincerely,

S/Beverly Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 22

**ARKHANGELSK REGION
ASSEMBLY OF DEPUTIES**

Wednesday, January 24, 2003

President Beverly C. Daggett
The Senate of Maine

Dear President Daggett,

We are proud to greet you and your colleagues from the Senate of Maine. We are satisfied with development of ties between the legislative bodies of our regions, which is approved by regular exchanges in 2001-2003. Results of business partnership supplement many-sided relations of American and Russian peoples and serve as guarantor of these relations in the future.

We wish you, members of the Senate and all residents of the State of Maine, well-being, happiness and successful realization of your plans.

With best regards,

S/Vitaly Fortygin, Chairman
Arkhangelsk Region Assembly of Deputies

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 23

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

January 28, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Appropriations and Financial Affairs has had under consideration the nomination of Rebecca Wyke of Augusta, for appointment as the Commissioner of the Department of Administrative and Financial Services.

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

YEAS	Senators	2	Cathcart of Penobscot, Rotundo of Androscoggin
	Representatives	10	Brannigan of Portland, Cowger of Hallowell, Dudley of Portland, Faircloth of Bangor, Mailhot of Lewiston, Millett of Waterford, Mills of Cornville, O'Brien of Augusta, Pingree of North Haven, Rosen of Bucksport
NAYS		0	
ABSENT		1	Sen. Turner of Cumberland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rebecca Wyke of Augusta, for appointment as the Commissioner of the Department of Administrative and Financial Services be confirmed.

Signed,

S/Mary R. Cathcart
Senate Chair

S/Joseph C. Brannigan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#10)

YEAS: Senators: None

NAYS: Senators: BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: BENNETT, MITCHELL, SHOREY, TURNER

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Rebecca Wyke** of Augusta, for appointment as the Commissioner of the Department of Administrative and Financial Services was **CONFIRMED**.

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

Off Record Remarks

The Following Communication:

S.C. 24

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

January 28, 2003

The Honorable Beverly C. Daggett
President of the Senate of Maine
121st Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Martin Magnusson of Thomaston, for appointment as the Commissioner of the Department of Corrections.

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

YEAS	Senators	3	Strimling of Cumberland, Carpenter of York, Hatch of Somerset
	Representatives	9	Bunker of Kossuth Township, Blanchette of Bangor, Churchill of Washburn, Gerzofsky of Brunswick, Greeley of Levant, Lessard of Topsham, Maietta of South Portland, Snowe-Mello of Poland, Sykes of Harrison
NAYS		0	
ABSENT		1	Rep. Grose of Woolwich

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Martin Magnusson of Thomaston, for appointment as the Commissioner of the Department of Corrections be confirmed.

Signed,

S/Ethan Strimling
Senate Chair

S/George H. Bunker, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#11)

YEAS: Senators: None

NAYS: Senators: BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TREAT, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: BENNETT, MITCHELL, SHOREY, TURNER

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Martin Magnusson** of Thomaston, for appointment as the Commissioner of the Department of Corrections was **CONFIRMED**.

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

The Following Communication:

S.C. 25

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 28, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Article III, Section 3.01 of the National Legislative Association on Prescription Drug Prices bylaws, I am pleased to appoint the following Senators to serve as directors of the association on behalf of the State of Maine:

Senator Sharon Anglin Treat
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Michael Brennan
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Arthur Mayo
Senate Republican Office
3 State House Station
Augusta, ME 04333

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

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication:

S.C. 19

**STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333**

January 21, 2003

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

Re: Report Concerning License Revocation and Child Support Enforcement for the period
Jan. 1, 2000 through Dec. 31, 2002

Dear President Daggett,

It is the responsibility of the Department of Human Services, Division of Support Enforcement and Recovery (DSER) to report to the Legislature and the Governor regarding license revocation. The first report was due January 31, 1999 and is due biennially thereafter, in accordance with 19-A MRSA 2201(15) and 2202(12).

For Professional and Recreational Licenses

Requirement No. 1

The number of support obligors identified as licensees subject to this section.

Answer:

We have not been able to identify recreational licenses on a statewide basis because they are not contained in a centralized database. Therefore, we have tracked them on an individual basis and in this reporting period we revoked 1,530 professional and recreational licenses. We are continuing to work with Inland Fisheries and Wildlife to develop an on-line procedure to automate receipt of licensee information subject to this section, and post the information to the individual case. We have matched database information with Inland Fisheries and Wildlife for the past 4 years in order to identify non-complying obligor parents who received moose permits in the annual drawing.

Requirement No. 2

The number of support obligors identified by the Department under this section who are not in compliance with an order for support.

Answer:

The Department identified 1,530 obligors under this section who were not in compliance with an order for support. Under the Division's current practice, cases are selected individually for inclusion in the license revocation process and licenses are revoked on a case-by-case basis rather than by mass processing.

Requirement No. 3

The number of actions taken by the Department under this section and the results of those actions.

Answer:

The Department revoked 1,530 professional and recreational licenses between 1/1/00 and 12/31/02. From this total, 1,037 compliance statements were issued.

For Driver's Licenses

Requirement No. 1

The number of notices served upon support obligors by the Department under this section.

Answer:

The Department served more than 6,000 notices under this section between 1/1/00 and 12/31/02.

Requirement No. 2

The number of obligors served notice under this section who requested a hearing.

Answer:

Our records indicate that 133 hearings were requested during the period.

Requirement No. 3

The number of hearings held under this section, the results of the hearings and the number of cases settled without a hearing.

Answer:

From Jan. 1, 2000 through Dec. 31, 2002, 61 hearings were held and 72 were settled without the need for a hearing.

Requirement No. 4

The number of support obligors certified to the Secretary of State for noncompliance with an order for support under this section.

Answer:

5,340 obligors were certified between Jan. 1, 2000 and Dec. 31, 2002.

Requirement No. 5

The costs incurred in the implementation and enforcement of this section and the Department's actions under this section.

Answer:

DSER estimates direct costs under this section to be approximately \$120,000 from Jan. 1, 2000 and Dec. 31, 2003.

The information requested in this report was formulated at the Legislative Session in 1993 prior to actual implementation of our process. Information contained in this report does not mirror how the law is applied today. The attached LIRV sheet better reflects the actual process and gives a more accurate portrayal of how we use this law and the results to date. This information was developed as a result of a study done by the Office of the Inspector General for a national report studying the effectiveness of several states' license revocation laws. We have attached this report for your information.

Yours truly,

S/Stephen L. Hussey, Director
Division of Support Enforcement & Recovery

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

SENATE PAPERS

Bill "An Act To Limit State Land Ownership"

S.P. 124 L.D. 348

Sponsored by Senator SHOREY of Washington.

Cosponsored by Representative CLARK of Millinocket and Senators: DAVIS of Piscataquis, KNEELAND of Aroostook, YOUNGBLOOD of Penobscot, Representatives: CARR of Lincoln, DUGAY of Cherryfield, McGOWAN of Pittsfield, PELLON of Machias.

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 To Provide Funding For Construction of a Dormitory at the University of Maine at Fort Kent" (EMERGENCY)

S.P. 126 L.D. 350

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative JACKSON of Fort Kent and Senators: KNEELAND of Aroostook, STANLEY of Penobscot, Representatives: BENNETT of Caribou, FISCHER of Presque Isle, JOY of Crystal, LUNDEEN of Mars Hill, PARADIS of Frenchville, SMITH of Van Buren.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$500,000 To Fund the Challenger Learning Center of Maine"

S.P. 129 L.D. 353

Sponsored by Senator SAWYER of Penobscot.

Cosponsored by Senators: CATHCART of Penobscot, YOUNGBLOOD of Penobscot, Representative: PERRY of Bangor.

Bill "An Act To Promote Student Aspirations through Higher Education Scholarships"

S.P. 137 L.D. 400

Sponsored by Senator BRENNAN of Cumberland.

Cosponsored by Senators: CATHCART of Penobscot, DOUGLASS of Androscoggin, EDMONDS of Cumberland, MAYO of Sagadahoc, STANLEY of Penobscot.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Research and Development and Capital Improvements for the University of Maine System and the Maine Technical College System"

S.P. 142 L.D. 405

Sponsored by Senator BRENNAN of Cumberland.

Cosponsored by Representative FAIRCLOTH of Bangor and Senators: CATHCART of Penobscot, DOUGLASS of Androscoggin, EDMONDS of Cumberland, MAYO of Sagadahoc, ROTUNDO of Androscoggin, STANLEY of Penobscot, TREAT of Kennebec, Representative: KANE of Saco.

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

Sent down for concurrence.

Bill "An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks"

S.P. 133 L.D. 396

Sponsored by Senator BENNETT of Oxford.

Cosponsored by Representative: HEIDRICH of Oxford.

Bill "An Act To Require the Plumbers' Examining Board To Adopt the Uniform Plumbing Code"

S.P. 138 L.D. 401

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative KAELIN of Winterport and Senators: HALL of Lincoln, STRIMLING of Cumberland.

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

Sent down for concurrence.

Bill "An Act Regarding Implied Warranties"

S.P. 125 L.D. 349

Sponsored by Senator CARPENTER of York.

Cosponsored by Representative DUNLAP of Old Town and Senators: DAVIS of Piscataquis, WOODCOCK of Franklin, Representatives: ANDREWS of York, CAMPBELL of Newfield, COURTNEY of Sanford, HONEY of Boothbay.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Limit the Transfer of Handguns to Minors"

S.P. 141 L.D. 404

Sponsored by Senator EDMONDS of Cumberland.

Cosponsored by Representative GERZOFSKY of Brunswick and Senators: STRIMLING of Cumberland, ROTUNDO of Androscoggin, DOUGLASS of Androscoggin, PENDLETON of Cumberland, Representatives: BLANCHETTE of Bangor, PARADIS of Frenchville, HUTTON of Bowdoinham, PINGREE of North Haven.

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

Sent down for concurrence.

Bill "An Act to Amend School Administrative District Cost-sharing and County Tax Apportionments to Recognize the Value of Property in Municipal Tax Increment Financing Districts"

S.P. 123 L.D. 347

Sponsored by Senator MITCHELL of Penobscot.

Cosponsored by Representative McGOWAN of Pittsfield and Senators: DAVIS of Piscataquis, WOODCOCK of Franklin, Representatives: COLLINS of Wells, DUGAY of Cherryfield, GOODWIN of Pembroke.

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

Sent down for concurrence.

Bill" An Act To Promote Clarity Regarding Death Certificates" (EMERGENCY)

S.P. 127 L.D. 351

Sponsored by Senator DAVIS of Piscataquis.

Cosponsored by Senator: MAYO of Sagadahoc.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Impose Restrictions on the Operation of ATVs and Snowmobiles"

S.P. 130 L.D. 354

Sponsored by Senator CARPENTER of York.

Cosponsored by Representative DUNLAP of Old Town and Senator: TREAT of Kennebec, Representatives: ANDREWS of York, CAMPBELL of Newfield, COURTNEY of Sanford, LANDRY of Sanford, STONE of Berwick, WHEELER of Kittery.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

S.P. 135 L.D. 398

Sponsored by Senator EDMONDS of Cumberland.

Cosponsored by Representative HATCH of Skowhegan and Senators: BRYANT of Oxford, STANLEY of Penobscot, Representatives: DUPLESSIE of Westbrook, HUTTON of Bowdoinham, JACKSON of Fort Kent.

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

Sent down for concurrence.

Bill "An Act To Study the Development of an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

S.P. 134 L.D. 397

Sponsored by Senator EDMONDS of Cumberland.

Cosponsored by Representative KOFFMAN of Bar Harbor and Senators: HALL of Lincoln, ROTUNDO of Androscoggin, STRIMLING of Cumberland, TREAT of Kennebec, Representative: HUTTON of Bowdoinham.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

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

Bill "An Act To Reduce the Tax Paid on Mahogany Quahogs"

S.P. 139 L.D. 402

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative KAELIN of Winterport and Senator: HALL of Lincoln, Representatives: DUGAY of Cherryfield, McLAUGHLIN of Cape Elizabeth.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife To Allow a Well and Waterline Easement (EMERGENCY)

S.P. 122 L.D. 346

Sponsored by Senator WOODCOCK of Franklin.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

Bill "An Act To Increase Civil Process Fees"

S.P. 136 L.D. 399

Sponsored by Senator SAVAGE of Knox.

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax"

S.P. 140 L.D. 403

Sponsored by Senator GAGNON of Kennebec.

Cosponsored by Representative SIMPSON of Auburn and Senators: HATCH of Somerset, MAYO of Sagadahoc, STANLEY of Penobscot, WOODCOCK of Franklin, Representatives: CANAVAN of Waterville, LERMAN of Augusta, MARRACHÉ of Waterville, PATRICK of Rumford.

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

Sent down for concurrence.

Bill "An Act To Encourage Energy Efficiency and Security"

S.P. 128 L.D. 352

Sponsored by Senator HALL of Lincoln.

Cosponsored by Representative BERRY of Belmont and Representatives: BLISS of South Portland, GOODWIN of Pembroke.

On motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

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 (1/28/03) Assigned matter:

Bill "An Act to Encourage the Use of Generic Drugs"

S.P. 111 L.D. 329

Tabled - January 28, 2003, by Senator **BROMLEY** of Cumberland

Pending - **REFERENCE**

(Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.)

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled Unassigned matter:

Bill "An Act to Control Internet 'Spam'"

H.P. 210 L.D. 255

Tabled - January 23, 2003, by Senator **HALL** of Lincoln

Pending - **REFERENCE**

(In House, January 23, 2003, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.)

On motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

Senator **EDMONDS** of Cumberland 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.

Senator **STRIMLING** of Cumberland 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 **STANLEY** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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:

ENACTORS

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

Emergency Measure

An Act to Make Corrections to Laws in Conflict with MCJUSTIS Changes
H.P. 25 L.D. 18
(C "A" H-5)

This being an Emergency Measure and having received the affirmative vote of 26 members of the Senate, with no Senators having voted in the negative, and 26 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Strengthen the Animal Control Laws"
H.P. 280 L.D. 360

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.

Bill "An Act To Build a Prison in Washington County"
H.P. 276 L.D. 356

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy"
H.P. 314 L.D. 394

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL 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 Papers

Bill "An Act to Enhance Public Participation in Matters Before Professional Licensing Boards"
H.P. 303 L.D. 383

Resolve, Directing the Maine State Housing Authority To Study Ways To Promote Construction of Affordable Housing for Veterans
H.P. 304 L.D. 384

Come 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.

Resolve, to Improve Community Safety and Sex Offender Accountability
H.P. 292 L.D. 372

Bill "An Act To Amend the Law Regarding Security Officer Qualifications"
H.P. 295 L.D. 375

Bill "An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders"
H.P. 300 L.D. 380

Come 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 Papers

Bill "An Act To Amend the School Finance Act"
H.P. 273 L.D. 344

Bill "An Act To Promote Participation of Retired Professionals in the State's Classrooms"
H.P. 278 L.D. 358

Bill "An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime"
H.P. 306 L.D. 386

Bill "An Act To Raise the High School Dropout Age"

H.P. 310 L.D. 390

Come from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act to Ensure Patient Access to Medical Records"

H.P. 283 L.D. 363

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 Reciprocity for ATV Registration"

H.P. 279 L.D. 359

Bill "An Act To Increase the Registration Fee for ATVs"

H.P. 288 L.D. 368

Bill "An Act To Create a Closed Season for ATV Use"

H.P. 289 L.D. 369

Bill "An Act To Change the Display of ATV Registration Numbers"

H.P. 290 L.D. 370

Bill "An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

H.P. 308 L.D. 388

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** 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 Prevent Discrimination Against Group Health Plans Sponsored by Agricultural Cooperatives"

H.P. 286 L.D. 366

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Limit the Duration of a Reversion Clause in the Deed of a Church"
H.P. 287 L.D. 367

Bill "An Act To Encourage Lawful Investigations of Suspected Child Abuse and Neglect"
H.P. 296 L.D. 376

Bill "An Act To Responsibly Allocate Costs in Child Protection Proceedings"
H.P. 297 L.D. 377

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 Papers

Bill "An Act To Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects"
H.P. 281 L.D. 361

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.

Bill "An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta" (EMERGENCY)
H.P. 293 L.D. 373

Bill "An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games"
H.P. 301 L.D. 381

Come 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 Papers

Bill "An Act to Change the Reporting Requirements for the Mercury Switch Removal Program"
H.P. 305 L.D. 385

Bill "An Act to Clarify the Use of Municipal Rate-of-growth Ordinances"

H.P. 315 L.D. 395

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

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

Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda"
(EMERGENCY)

H.P. 309 L.D. 389

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 Papers

Bill "An Act to Enhance the Maine Earned Income Tax Credit"

H.P. 298 L.D. 378

Bill "An Act To Enhance the Maine Residents Property Tax Program"

H.P. 302 L.D. 382

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

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

Resolve, Authorizing the Department of Transportation To Erect Signs Identifying the Vietnam Memorial in Bangor

H.P. 277 L.D. 357

Bill "An Act To Rescind the Vehicle Registration of a Person Who Pays for That Registration with a Bad Check"

H.P. 282 L.D. 362

Bill "An Act To Amend the Laws Governing Antique Vehicles"

H.P. 285 L.D. 365

Bill "An Act To Create Animal Shelter Special Registration Plates"

H.P. 294 L.D. 374

Resolve, Directing the Commissioner of Transportation To Examine Which Aspects of the Department of Transportation's Operations Could be Privatized

H.P. 299 L.D. 379

Bill "An Act To Exempt Biodiesel Fuel from the Special Fuel Tax"

H.P. 307 L.D. 387

Bill "An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads" (EMERGENCY)

H.P. 313 L.D. 393

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

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** 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 Reduce the Electric Bill of Persons Requiring Daily Use of Electric Oxygenators"
H.P. 272 L.D. 343

Bill "An Act To Require That Residential Customers Be Given Contracts for Utility Line Extensions"
H.P. 275 L.D. 355

Bill "An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans"
H.P. 291 L.D. 371

Bill "An Act To Prohibit Use of Computerized Calls by Telemarketers"
H.P. 312 L.D. 392

Come from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 4, 2003, at 10:00 in the morning.