

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

In Senate Chamber
Thursday
February 26, 2004

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

Prayer by Reverend William H. Murdoch, Retired, of Damariscotta.

REVEREND MURDOCH: Let us pray. Almighty God, creator, sustainer, with us now, we thank You for this part of Your garden that we call Maine; for its beauty and uniqueness; and for all creatures, four legged and two; we thank You. We ask Your presence, passion, and still small voice to fill all the members of this body as they create, through legislation, better conditions for all here in Maine. Give these people strength and grace as they encounter and interact with one another. May the decisions they make better the present and future lives of all who live and visit this state. We thank You in the name of all that is holy. Amen.

Reading of the Journal of Wednesday, February 25, 2004.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **TREAT** of Kennebec, the following Joint Order:
S.P. 738

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 2, 2004, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later (2/25/04) Assigned matter:

JOINT ORDER - An expression of legislative sentiment recognizing Joe Burnham, of Winthrop
SLS 539

Tabled - February 25, 2004, by Senator **TREAT** of Kennebec

Pending - motion by same Senator to **PASS**

(In Senate, February 25, 2004, **READ.**)

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I just wanted to take a few moments to recognize a student leader from Winthrop High School who is just about, or just was, given an award by the Governor. Joe Burnham of Winthrop High School has been involved in a service learning project that had to do with sharing his artistic abilities with seniors in the community. He did this through his Art II class at Winthrop High School. He was invited to the Granite Hill Retirement Community to assist seniors with this art project. Joe was able to go above and beyond the good work he was doing with the seniors in this project to become an advocate for service learning in his school. He appealed to the school board, speaking about his positive experience with service learning. His speech helped convince the board to give their unanimous support to the service learning program. He also served on the Legislature's Commission on Citizenship Education, where he has met with members to look at options for expanding service learning and other civic education opportunities for Maine students. I think we can all recognize that Joe has all the makings of a future Legislator. I hope that you will join with me in extending our congratulations to him for this great honor.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Joe Burnham; his parents, Tina and Mike Burnham; and Mary Dyer, the art teacher at Winthrop High School. Would they please stand and accept the greetings of the Maine Senate.

COMMUNICATIONS

The Following Communication:

S.P. 737

**STATE OF MAINE
121ST MAINE LEGISLATURE**

February 25, 2004

Sen. Lloyd P. LaFountain III
Senate Chair, Joint Standing Committee on
Insurance and Financial Services
Rep. Christopher P. O'Neil
House Chair, Joint Standing Committee on
Insurance and Financial Services
121st Legislature
Augusta, ME 04333

Dear Senator LaFountain and Representative O'Neil:

Please be advised that Governor John E. Baldacci has nominated Alessandro Iuppa of Yarmouth for reappointment as the Superintendent of Insurance.

Pursuant to Title 24-A M.R.S.A. § 201, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES.**

Sent down for concurrence.

The Following Communication:

H.P. 1397

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

February 24, 2004

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

Dear Clerk MacFarland:

Pursuant to my authority under Joint Order, S.P. 689, I am pleased to appoint Representative Lillian LaFontaine O'Brien of Lewiston to serve as a member of the Joint Select Committee on Regionalization and Community Cooperation. Representative O'Brien will be filling the position vacated by Representative Glenn Cummings of Portland.

Should you have any questions regarding this appointment, please feel free 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. 468

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

February 25, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Anne H. Jordan of South Portland, for appointment to the State Harness Racing Commission.

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

YEAS	Senators	3	Bryant of Oxford, Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	9	McKee of Wayne, Carr of Lincoln, Eder of Portland, Fletcher of Winslow, Honey of Boothbay, Lundeen of

Mars Hill, Pineau of Jay, Piotti of Unity, Smith of Monmouth

NAYS	Senators	0	
	Representatives	1	Churchill of Orland
ABSENT		0	

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Anne H. Jordan of South Portland, for appointment to the State Harness Racing Commission be confirmed.

Signed,

S/Bruce S. Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Chair noted the absence of the Senator from Somerset, Senator **HATCH**, and the Senator from York, Senator **LAFOUNTAIN** and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#244)

YEAS: Senators: BLAIS, CARPENTER, DAVIS, GILMAN, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK

NAYS: Senators: BENNETT, BRENNAN, BROMLEY, BRYANT, CATHCART, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, KNEELAND, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, TREAT, YOUNGBLOOD, THE PRESIDENT – BEVERLY C. DAGGETT

EXCUSED: Senators: HATCH, LAFOUNTAIN

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being excused, and 14 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 **Anne H. Jordan** of South Portland, for appointment to the State Harness Racing Commission was **CONFIRMED**.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

The Following Communication:

S.C. 467

**MAINE STATE LEGISLATURE
LEGISLATIVE YOUTH ADVISORY COUNCIL**

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

Dear President Daggett:

The Maine Legislative Youth Advisory Council addressed several issues in their second Annual Report to the Maine Legislature on February 12, 2004. A topic of major interest and concern to Council members is the demonstrated benefit of developing opportunities for civic engagement of young people in local and state government. Youth members bring a first hand knowledge of Maine youth – their interests, concerns, fears – that is often not accessible to adults. As you have been able to observe first hand; this is an effective, innovative approach to providing youth input into public policy issues.

Therefore the Maine Legislative Youth Advisory Council recommends:

State task forces, councils and other groups created by the Legislature to study issues affecting youth should consist of at least 30% youth members.

The Legislative Youth Advisory Council respectfully requests that the Legislative Council assist in the implementation of this recommendation by adopting it as a policy of the Council and in incorporating it into the process for the creation of future Legislative studies. We believe that meaningful youth involvement in state issues will result in the following outcomes:

1. Maine policy making will be more responsive to the needs of youth.
2. Young people will be educated about the policy making process and committed to civic engagement.

Thank you for your continued support of the Maine Legislative Youth Advisory Council.

Sincerely,

S/Nathanael Yellis
Co-Chair

S/Rep. Ross Paradis
Co-Chair

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$1,200,000 for the Downeast Institute for Applied Marine Research and Education"

S.P. 734 L.D. 1888

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative PELLON of Machias and Senators: CATHCART of Penobscot, SAVAGE of Knox, SHOREY of Washington, Representatives: BIERMAN of Sorrento, DUGAY of Cherryfield, GOODWIN of Pembroke, PERRY of Calais, SUSLOVIC of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Amend the Boiler and Pressure Vessel Law"

S.P. 727 L.D. 1879

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative SULLIVAN of Biddeford and Senators: BENNETT of Oxford, BROMLEY of Cumberland, BRYANT of Oxford, DAVIS of Piscataquis, LAFOUNTAIN of York, SHOREY of Washington, Representatives: DUPREY of Medway, SMITH of Monmouth.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

S.P. 728 L.D. 1880

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative YOUNG of Limestone and Senators: KNEELAND of Aroostook, STANLEY of Penobscot, Representatives: CHURCHILL of Orland, FISCHER of Presque Isle, JACKSON of Fort Kent, PARADIS of Frenchville, SMITH of Van Buren, WOTTON of Littleton.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

S.P. 732 L.D. 1886

Sponsored by Senator CATHCART of Penobscot.

Cosponsored by Representative CARR of Lincoln and Senator: STANLEY of Penobscot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 To Ensure Competitive Bidding for Maine's School Systems"

S.P. 731 L.D. 1885

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

Sent down for concurrence.

Bill "An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization"

S.P. 730 L.D. 1884

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

Cosponsored by Representative EARLE of Damariscotta and Senators: President DAGGETT of Kennebec, EDMONDS of Cumberland, GAGNON of Kennebec, HALL of Lincoln, MAYO of Sagadahoc, TREAT of Kennebec, Representatives: CRAVEN of Lewiston, KANE of Saco.

Bill "An Act To Ensure Disclosure of Prescription Drug Prices"

S.P. 736 L.D. 1890

Sponsored by Senator TREAT of Kennebec.

Cosponsored by Representative LEMOINE of Old Orchard Beach and Senators: BRENNAN of Cumberland, DAMON of Hancock, DOUGLASS of Androscoggin, HALL of Lincoln, MAYO of Sagadahoc, STANLEY of Penobscot, Representatives: KANE of Saco, PERRY of Calais.

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

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

Sent down for concurrence.

Bill "An Act To Amend the Law Governing the Storage of Spirits"

S.P. 729 L.D. 1881

Sponsored by Senator MAYO of Sagadahoc.

Cosponsored by Representative CLARK of Millinocket and Senators: DAVIS of Piscataquis, EDMONDS of Cumberland, GAGNON of Kennebec, TREAT of Kennebec, Representatives: BLANCHETTE of Bangor, BROWN of South Berwick, HOTHAM of Dixfield, MOORE of Standish.

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.

Resolve, To Reduce the State Valuation for the Town of Lincoln

S.P. 733 L.D. 1887

Sponsored by Senator CATHCART of Penobscot.

Cosponsored by Representative CARR of Lincoln and Senator: STANLEY of Penobscot.

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

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

Sent down for concurrence.

Resolve, Directing the Public Utilities Commission To Implement Universal Rural Broadband Internet Access Statewide

S.P. 735 L.D. 1889

Sponsored by Senator HALL of Lincoln.

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

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **NATURAL RESOURCES** on Bill "An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources"

H.P. 1361 L.D. 1837

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 Authorize Licensure by Endorsement for Canadian Dentists and Dental Hygienists"

H.P. 1258 L.D. 1736

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-708)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708)**.

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

READ ONCE.

Committee Amendment "A" (H-708) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Emergency Medical Services Act of 1982"

H.P. 1284 L.D. 1762

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-709)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-709)**.

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

READ ONCE.

Committee Amendment "A" (H-709) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Amend the Random Drug Testing Laws"
H.P. 1282 L.D. 1760

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-711)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-711)**.

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

READ ONCE.

Committee Amendment "A" (H-711) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act Concerning Disability Retirement Benefits under the Maine State Retirement System"

H.P. 1336 L.D. 1814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-710)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710)**.

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

READ ONCE.

Committee Amendment "A" (H-710) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Expand Funding and Services to Students of Limited Proficiency in English"
H.P. 149 L.D. 190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-701)**.

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
FAIRCLOTH of Bangor
PINGREE of North Haven

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport

MILLS of Cornville

O'BRIEN of Augusta

MILLETT of Waterford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-701)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide for Fair Treatment of Taxpayers"

H.P. 1291 L.D. 1769

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699)**.

Signed:

Senators:

STANLEY of Penobscot

NASS of York

Representatives:

SUSLOVIC of Portland

TARDY of Newport

McCORMICK of West Gardiner

SIMPSON of Auburn

PERRY of Bangor

CLOUGH of Scarborough

COURTNEY of Sanford

LERMAN of Augusta

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

LEMOINE of Old Orchard Beach
McGOWAN of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-669) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act To Revise the Frequency of Home Health Licensing Surveys"
H.P. 1294 L.D. 1772

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

House As Amended

Resolve, to Fund Scholarships to the Seeds of Peace Camp
H.P. 55 L.D. 47
(C "A" H-704)

Bill "An Act to Increase the Adult Education State Subsidy by a Specific Percentage"
H.P. 153 L.D. 194
(C "A" H-702)

Bill "An Act To Support the Regional Library System"
H.P. 222 L.D. 279
(C "A" H-703)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in a Certain Parcel of Real Estate Located in the City of Auburn
H.P. 1329 L.D. 1807
(C "A" H-700)

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

Senate

Bill "An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies" (EMERGENCY)
S.P. 675 L.D. 1832

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

Sent down for concurrence.

Senate As Amended

Bill "An Act To Obtain Substance Abuse Services for Minors"

S.P. 220 L.D. 611
(C "A" S-400)

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

S.P. 235 L.D. 671
(C "A" S-399)

Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine

S.P. 362 L.D. 1090
(C "A" S-402)

Bill "An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council" (EMERGENCY)

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

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

S.P. 667 L.D. 1819
(C "A" S-396)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Authorize the Town of Verona To Change Its Name

S.P. 604 L.D. 1653
(C "A" S-381)

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.

Acts

An Act Regarding Habitual Truants

H.P. 800 L.D. 1082
(H "A" H-678 to C "A" H-634)

An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling
H.P. 1236 L.D. 1660
(C "A" H-679)

An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses
H.P. 1264 L.D. 1742
(C "A" H-680)

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 Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails
S.P. 390 L.D. 1186
(H "A" H-697 to S "A" S-380)

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

An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules
H.P. 1253 L.D. 1731
(C "A" H-681)

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

Senator **MARTIN:** I'd like to pose a question to a member of the committee that held this bill and heard this bill.

THE PRESIDENT: The Senator may pose his question.

Senator **MARTIN:** Thank you, Madame President. The legislation, obviously, is a direct result of what took place in Rhode Island. I noticed, with interest, that not only are they trying to control inside the building but now the fire marshal is getting control outside the building, as well as inside the dwelling, and also at mass gatherings. I wonder why the committee broadened the bill to extend to that level?

THE PRESIDENT: The Senator from Aroostook, Senator Martin poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I don't remember all the details of the bill right at the moment. The committee did not actually expand the bill. That was where the bill seemed to be going. We actually lessened it down a little bit. It wanted to go much further than that, so we brought it back. Our feeling was that there is a clear danger with some of these pyrotechnics and we wanted to make sure, regardless of whether it's inside or outside, that people remain safe. I would add that we had zero testimony from any communities that were saying the bill, as proposed, was not sufficient or they would not be able to work within its confines.

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

Resolve

Resolve, Regarding the Condition and Operation of the Little River Dam

H.P. 132 L.D. 173
(C "A" H-677)

FINALLY PASSED 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 Paper

Bill "An Act To Coordinate Education, Job Training and Employers in Maine"
H.P. 1399 L.D. 1883

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

**Pursuant to Statute
Department of Audit**

The **Department of Audit**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2004-05" (EMERGENCY)
H.P. 1398 L.D. 1882

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

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

On motion by Senator **STANLEY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senate at Ease.

Senate called to order by the President.

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 (2/25/04) Assigned matter:

HOUSE REPORTS - from the Committee on **LABOR** on Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits"

H.P. 657 L.D. 880

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-633)** (7 members)

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

Tabled - February 25, 2004, by Senator **EDMONDS** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, February 24, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633) AS AMENDED BY HOUSE AMENDMENT "A" (H-715)** thereto.)

(In Senate, February 25, 2004, Reports **READ**.)

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

READ ONCE.

Committee Amendment "B" (H-633) **READ**.

House Amendment "A" (H-715) to Committee Amendment "B" (H-633) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (H-633) as Amended by House Amendment "A" (H-715) thereto, **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

Senator **DOUGLASS** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **HALL** of Lincoln 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 Tuesday, March 2, 2004, at 10:00 in the morning.