

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

In Senate Chamber  
Monday  
March 29, 2004

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

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Prayer by Reverend Susan O. Gilpin, Prides Corner United Church of Christ in Westbrook.

**REVEREND GILPIN:** I'm actually going to ask you to help me with this. I brought a psalm, psalm 72. A copy should be on all of your desks. This is from the time of King Solomon, who lived about 1000 B.C. Some people think that this psalm was used at his enthronement. You can think of it as some kind of inaugural psalm. Other people think that perhaps it was used every year, in a kind of renewal ceremony. It says here, 'please help the King to be honest and fair.' This is sexist language, but it is the Bible's language, so I didn't want to tinker with it, so I just left it. In your heads, I invite you to translate this work 'King' into 'legislature'. I'll be the 'L', that's for leader, and you can be the people's part that is in bold face type.

Please help the King to be honest and fair, just like You are God. Let peace and justice rule every mountain and hill. Let the King live forever like the sun and the moon. Let the King be fair with everyone and let there be peace until the moon falls from the sky. For the King rescues the homeless when they cry out and helps everyone who is poor and in need. The King cares when they hurt and saves them from cruel and violent deaths. May the King never be forgotten.

Thank you and may God bless your work today.

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Pledge of Allegiance led by Senator Carol Weston of Waldo County.

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Reading of the Journal of Thursday, March 25, 2004.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Encourage Financial Efficiency of Facilities for Persons with Mental Retardation" (EMERGENCY)

S.P. 613 L.D. 1681  
(C "A" S-434)

In Senate, March 23, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-434).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-434) AS AMENDED BY HOUSE AMENDMENT "A" (H-811)** thereto, in **NON-CONCURRENCE.**

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

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**Joint Resolution**

The following Joint Resolution:

H.P. 1444

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE  
UNITED STATES TO EXEMPT THE PASSAMAQUODDY TRIBE  
FROM CERTAIN PROVISIONS OF THE MARINE MAMMAL  
PROTECTION ACT OF 1972**

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

WHEREAS, The federal Marine Mammal Protection Act of 1972 establishes federal responsibility to conserve marine mammals and established a moratorium on the taking and importation of marine mammals and marine mammal products; and

WHEREAS, the act gave certain exemptions to take marine mammals to Indian, Aleut and Eskimo people who live in Alaska and dwell on the coast of the North Pacific Ocean or the Arctic Ocean, if the taking is done in a nonwasteful manner and is for subsistence purposes or for creating and selling authentic native handicrafts and clothing; and

WHEREAS, the Passamaquoddy Tribe, a federally recognized Indian tribe in the State of Maine, the first to see the rising sun each day, has the largest reservation in the State, situated on the west branch of the St. Croix River, which leads into the sea; and

WHEREAS, the Passamaquoddy Tribe has used marine mammals, such as porpoises and seals, for cultural, subsistence, ceremonial, medicinal and commercial uses in its long history in the area, and still do to a certain extent today; and

WHEREAS, at the time the federal Marine Mammal Protection Act of 1972 was written, the Passamaquoddy Tribe had not been federally recognized and could not seek exemption from the act. In the late 1970s, federal recognition came, followed by the Maine Indian Land Claims Case, which defined a special relationship between the State of Maine and the Passamaquoddy Tribe and Penobscot Nation; and

WHEREAS, it was agreed that these tribes would have authority over their own internal matters on the reservations. At the same time, it was agreed that they would continue the trust relationship with the Federal Government that had been recognized during the 1970s; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people of the State, in view of the trust that the Passamaquoddy Tribe has in the Federal Government, respectfully urge and request that the Congress of the United States give serious consideration to giving the Passamaquoddy Tribe of Maine a cultural exemption from the federal Marine Mammal Protection Act of 1972, as was done for the Alaskan Indian, Aleut and Eskimo peoples; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate and to the Speaker of the United States House of Representatives and to each member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication:

S.P. 783

**STATE OF MAINE  
121<sup>ST</sup> MAINE LEGISLATURE**

March 25, 2004

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  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Bryant and Representative Dunlap:

Please be advised that Governor John E. Baldacci has nominated John Law of Mexico and the Honorable R. Leo Kieffer of Caribou for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12 M.R.S.A. § 10151, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife 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 **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

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The Following Communication:

S.P. 784

**STATE OF MAINE**  
**121<sup>ST</sup> MAINE LEGISLATURE**

March 25, 2004

Sen. Peggy A. Pendleton  
Senate Chair, Joint Standing Committee on  
Judiciary  
Rep. William S. Norbert  
House Chair, Joint Standing Committee on  
Judiciary  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:

Please be advised that Governor John E. Baldacci has nominated Gregory M. Cunningham of Yarmouth; Karin R. Tilberg, Esq. of Bowdoinham; and Thomas A. Santaguida of New Gloucester for appointment as members of the Maine Indian Tribal-State Commission.

Pursuant to Title 30 M.R.S.A. § 6212, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

The Following Communication:

S.P. 785

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**STATE OF MAINE  
121<sup>ST</sup> MAINE LEGISLATURE**

March 25, 2004

Sen. Kenneth T. Gagnon  
Senate Chair, Joint Standing Committee on  
Legal and Veterans Affairs  
Rep. Joseph E. Clark  
House Chair, Joint Standing Committee on  
Legal and Veterans Affairs  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Gagnon and Representative Clark:

Please be advised that Governor John E. Baldacci has nominated James N. Dearman of Orono for appointment as a member of the State Liquor and Lottery Commission.

Pursuant to Title 5 M.R.S.A. § 283-A, this nomination will require review by the Joint Standing Committee on Legal and Veterans Affairs 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 **LEGAL AND VETERANS AFFAIRS**.

Sent down for concurrence.

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The Following Communication:

S.C. 534

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24, 2004

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> 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 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Samuel S. Gulliver of Blue Hill, for appointment as the student member of the Board of Trustees, Maine Maritime Academy.

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          Douglass of Androscoggin, Mitchell of Penobscot

Representatives 10 Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Murphy of Kennebunk, Norton of Bangor, Thomas of Orono

NAYS 0

ABSENT 1 Sen. Brennan 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 Samuel S. Gulliver of Blue Hill, for appointment as the student member of the Board of Trustees, Maine Maritime Academy be confirmed.

Signed,

S/Neria R. Douglass  
Senate Chair

S/Glenn A. Cummings  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#290)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: SAWYER, SHOREY, YOUNGBLOOD

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Samuel S. Gulliver** of Blue Hill, for appointment as the student member of the Board of Trustees, Maine Maritime Academy was **CONFIRMED**.

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

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The Following Communication:

S.C. 535

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24 2004

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> 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 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Victoria M. Larson of Auburn, for appointment to the Board of Trustees, Maine Maritime Academy.

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	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	10	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Murphy of Kennebunk, Norton of Bangor, Thomas of Orono
NAYS		0	
ABSENT		1	Sen. Brennan 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 Victoria M. Larson of Auburn, for appointment to the Board of Trustees, Maine Maritime Academy be confirmed.

Signed,

S/Neria R. Douglass  
Senate Chair

S/Glenn A. Cummings  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#291)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: SAWYER, SHOREY, YOUNGBLOOD

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Victoria M. Larson** of Auburn, for appointment to the Board of Trustees, Maine Maritime Academy was **CONFIRMED**.

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

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The Following Communication:

S.C. 536

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24, 2004

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> 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 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Dale E. Hartford of Smithfield, for appointment to the Board of Trustees, Maine Maritime Academy.

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	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	10	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Murphy of Kennebunk, Norton of Bangor, Thomas of Orono
NAYS		0	
ABSENT		1	Sen. Brennan 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 Dale E. Hartford of Smithfield, for appointment to the Board of Trustees, Maine Maritime Academy be confirmed.

Signed,

S/Neria R. Douglass  
Senate Chair

S/Glenn A. Cummings  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#292)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: SAWYER, SHOREY, YOUNGBLOOD

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Dale E. Hartford** of Smithfield, for appointment to the Board of Trustees, Maine Maritime Academy was **CONFIRMED**.

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

The Following Communication:

S.C. 537

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 24, 2004

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> 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 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Robert Peacock of Lubec, for appointment to the Board of Trustees, Maine Maritime Academy.

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	Douglass of Androscoggin, Mitchell of Penobscot
	Representatives	10	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Murphy of Kennebunk, Norton of Bangor, Thomas of Orono
NAYS		0	
ABSENT		1	Sen. Brennan 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 Robert Peacock of Lubec, for appointment to the Board of Trustees, Maine Maritime Academy be confirmed.

Signed,



S/Neria R. Douglass  
Senate Chair

S/Glenn A. Cummings  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#293)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: SAWYER, SHOREY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Robert Peacock** of Lubec, for appointment to the Board of Trustees, Maine Maritime Academy was **CONFIRMED**.

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

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The Following Communication:

S.C. 538

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 25, 2004

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> 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 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Richard P. Ruhlin of Brewer, for appointment to the Atlantic Salmon Board.

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, Carpenter of York, Kneeland of Aroostook
	Representatives	9	Dunlap of Old Town, Honey of Boothbay, Moody of Manchester, Richardson of Greenville, Tobin of Dexter, Trahan of Waldoboro, Watson of Bath, Wheeler of Kittery, Wotton of Littleton
NAYS		0	
ABSENT		1	Rep. McGlocklin of Embden

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 Richard P. Ruhlin of Brewer, for appointment to the Atlantic Salmon Board be confirmed.

Signed,

S/Bruce S. Bryant  
Senate Chair

S/Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#294)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: SAWYER, SHOREY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 **Richard P. Ruhlin** of Brewer, for appointment to the Atlantic Salmon Board was **CONFIRMED**.

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

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The Following Communication:

S.C. 539

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 25, 2004

The Honorable Beverly C. Daggett  
President of the Senate of Maine  
121<sup>st</sup> 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 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Transportation has had under consideration the nomination of the Honorable Gerard P. Conley, Sr. of Portland, for appointment to the Maine Turnpike Authority.

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	Hatch of Somerset, Savage of Knox
	Representatives	9	Usher of Westbrook, Browne of Vassalboro, Collins of Wells, Jodrey of Bethel, Marley of Portland, Marrache of Waterville, McKenney of Cumberland, Paradis of Frenchville, Sampson of Auburn
NAYS		0	
ABSENT		2	Sen. Damon of Hancock, Rep. McNeil of Rockland

Eleven 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 the Honorable Gerard P. Conley, Sr. of Portland, for appointment to the Maine Turnpike Authority be confirmed.

Signed,

S/Pamela Henderson Hatch  
Senate Chair

S/Ronald E. Usher  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#295)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: SAWYER, SHOREY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 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 the Honorable **Gerard P. Conley, Sr.** of Portland, for appointment to the Maine Turnpike Authority was **CONFIRMED**.

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

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The Following Communication: S.C. 540

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

March 22, 2004

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

Dear President Daggett and Speaker Colwell:

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

L.D. 1518      An Act To Improve Harvest Standards for Lands Purchased and Harvested  
within an 8-year Period

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

Sincerely,

S/Sen. Bruce Bryant  
Senate Chair

S/Rep. Linda Rogers McKee  
House Chair

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

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The Following Communication: H.C. 377

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

March 25, 2004

Honorable Joy J. O'Brien  
Secretary of the Senate  
121st Legislature  
Augusta, Maine 04333

Dear Secretary O'Brien:

The House voted today to adhere to its former action whereby it accepted Report "C" OUGHT NOT TO PASS of the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Require All Health Insurers To Cover the Costs of Hearing Aids"

(S.P. 359)(L.D. 1087)

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

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

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**SENATE PAPERS**

Bill "An Act To Authorize Educational Technicians II in Winslow, China and Vassalboro"  
S.P. 781 L.D. 1944

Sponsored by Senator GAGNON of Kennebec.  
Cosponsored by Representative: THOMPSON of China.  
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.

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**ORDERS**

**Joint Order**

On motion by Senator **STANLEY** of Penobscot (Under suspension of the rules, cosponsored by Representative LEMOINE of Old Orchard Beach and Senators: NASS of York, STRIMLING of Cumberland, Representatives: CLOUGH of Scarborough, COURTNEY of Sanford, LERMAN of Augusta, McCORMICK of West Gardiner, McGOWAN of Pittsfield, PERRY of Bangor, SIMPSON of Auburn, SUSLOVIC of Portland, TARDY of Newport), the following Joint Order:  
S.P. 782

WHEREAS, it appears to the Senate and the House of Representatives of the 121st Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinions on such questions; and

WHEREAS, there is now before the 121st Legislature for its consideration Initiated Bill 4, L.D. 1893, Bill, "An Act to Impose Limits on Real and Personal Property Taxes"; and

WHEREAS, the initiated bill may have constitutional infirmities that can not be corrected by revision or amendment; and

WHEREAS, the initiated bill proposes broad changes to the laws of this State that would limit the ability of both state and local governments to raise revenues to support vital governmental functions; and

WHEREAS, these limitations, if constitutional, would require the Legislature and local governments to make dramatic changes to their budgets beginning with fiscal year 2004-05, and the Legislature is currently in the process of reviewing a supplemental budget bill for that fiscal year; and

WHEREAS, the Legislature must decide whether to enact the initiated bill as proposed or to put forth a competing measure to the initiated bill as authorized by the Constitution of Maine, Article IV, Part Third, Section 18; and

WHEREAS, the Attorney General has indicated in the attached opinion that there is a "substantial possibility" that key portions of the initiated bill violate the Constitution of Maine and there is substantial doubt about the effectiveness of remaining portions; and

WHEREAS, it is vital that the Legislature be informed as to the questions propounded in this order; now, therefore, be it

ORDERED, the House concurring, that, in accordance with the provisions of the Constitution of Maine, the Senate and the House of Representatives respectfully request the Justices of the Supreme Judicial Court to give the Senate and the House of Representatives their opinion on the following questions of law:

Question 1. If Initiated Bill 4 becomes law, would those provisions of the bill that require the calculation of property taxes based on "full cash value" or "appraised value," as adjusted, violate the Constitution of Maine, Article IX, Section 8, which requires taxes on real and personal property to be assessed and apportioned equally and according to just value?

Question 2. Initiated Bill 4, in the part that proposes the Maine Revised Statutes, Title 36, section 361, proposes a severability clause. If your answer to Question 1 indicates that portions of the initiated bill are unconstitutional, would any of the initiated bill's provisions remain effective by virtue of Title 36, section 361 or Title 1, section 71, subsection 8?

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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## REPORTS OF COMMITTEES

### House

#### Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic Development (EMERGENCY)  
H.P. 1415 L.D. 1914

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-785)**.

Comes from the House with the Report **READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-785)**.

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

**READ ONCE.**

Committee Amendment "A" (H-785) **READ and ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services (EMERGENCY)  
H.P. 1353 L.D. 1830

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-798)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798)**.

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

**READ ONCE.**

Committee Amendment "A" (H-798) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY)

H.P. 1388 L.D. 1865

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-797)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-797)**.

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

**READ ONCE.**

Committee Amendment "A" (H-797) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Govern and Regulate Life Settlements"

H.P. 1411 L.D. 1907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-796)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796)**.

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

**READ ONCE.**

Committee Amendment "A" (H-796) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **JUDICIARY** on Bill "An Act To Enact the Uniform Trust Code"

H.P. 678 L.D. 921

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-795)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-795)**.

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

**READ ONCE.**

Committee Amendment "A" (H-795) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Chapter 355: Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1375 L.D. 1849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-805)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-805)**.

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

**READ ONCE.**

Committee Amendment "A" (H-805) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **NATURAL RESOURCES** on Bill "An Act To Prohibit the Sale of Gasoline Containing MTBE"

H.P. 1390 L.D. 1870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-793)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-793)**.

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

**READ ONCE.**

Committee Amendment "A" (H-793) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TAXATION** on Bill "An Act To Include Disability Retirement Income in Retirement Income Eligible for Tax Exemption"

H.P. 1246 L.D. 1670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-787)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-787)**.

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

**READ ONCE.**

Committee Amendment "A" (H-787) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**



**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

H.P. 1387 L.D. 1864

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-794)**.

Signed:

Senators:

DOUGLASS of Androscoggin  
MITCHELL of Penobscot

Representatives:

CUMMINGS of Portland  
GAGNE-FRIEL of Buckfield  
DAVIS of Falmouth  
FINCH of Fairfield  
LEDWIN of Holden  
NORTON of Bangor  
MURPHY of Kennebunk  
ANDREWS of York  
THOMAS of Orono  
FISCHER of Presque Isle

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

Signed:

Senator:

BRENNAN of Cumberland

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-794)**.

Reports **READ**.

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

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **DOUGLASS** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Reestablish the Great Ponds Act" (EMERGENCY)

H.P. 1251 L.D. 1675

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

Signed:

Senators:

BRYANT of Oxford  
CARPENTER of York

KNEELAND of Aroostook

Representatives:

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

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

Signed:

Representatives:

DUNLAP of Old Town  
MOODY of Manchester

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-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 NOT TO PASS** Report, in **NON-CONCURRENCE**.

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#### Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Financial Institutions from Requiring a Fingerprint or Thumbprint To Complete a Transaction"

H.P. 1406 L.D. 1898

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

Signed:

Senators:

LAFOUNTAIN of York  
DOUGLASS of Androscoggin  
MAYO of Sagadahoc

Representatives:

VAUGHAN of Durham  
PERRY of Calais  
BREAULT of Buxton  
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:

Representative:  
CANAVAN of Waterville

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Establish the Maine Jobs, Trade and Democracy Act" (EMERGENCY)

H.P. 1337 L.D. 1815

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-783)**.

Signed:

Senators:  
EDMONDS of Cumberland  
STANLEY of Penobscot

Representatives:  
SMITH of Van Buren  
HUTTON of Bowdoinham  
HATCH of Skowhegan  
PATRICK of Rumford  
JACKSON of Fort Kent  
WATSON of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-784)**.

Signed:

Senator:  
BLAIS of Kennebec

Representatives:  
CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland  
TREADWELL of Carmel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783) AND HOUSE AMENDMENT "A" (H-801)**.

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)** Report, in concurrence.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Kennebec, Senator Blais.

Senator **BLAIS:** Thank you very much, Madame President, men and women of the Senate. There are all kinds of reasons why this piece of legislation received bi-partisan support from the Labor

Committee. I won't go into the details because it is somewhat complex and I did have something delivered to your boxes about this piece of legislation. Basically, what it has to do with is dealing with the potential for international trade agreements to have an impact on the laws that we pass here in the State of Maine which also has the potential to have an impact on jobs in the State of Maine as well as our state sovereignty and the laws in the State of Maine. I think that there is bi-partisan support for having a commission that would track and make recommendations back to the legislature on this particular issue, however it is critically important that this type of commission be non-partisan in order for it to be credible in the court of public opinion. Unfortunately, the majority report out of the committee includes an uneven representation from the legislature. It also changes the bill's requirement that the commission elect its own chair, instead making chairmanship a legislative appointment. It provides that all members of the commission, except for the Attorney General, be partisan legislative appointments. It eliminates the bill's intention that the Maine Municipal Association be represented. It also eliminates the bill's intention to include an academic with experience with international trade and instead includes a member of a fair trade activist organization. I would encourage you to, please, vote against the motion on the floor in order that we may move forward and accept the minority Ought to Pass report which does provide a non-partisan commission. Thank you very much, Madame President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#296)**

YEAS: Senators: BRENNAN, BROMLEY, BRYANT, CATHCART, DAGGETT, DAMON, DOUGLASS, EDMONDS, GAGNON, HALL, HATCH, LAFOUNTAIN, MARTIN, PENDLETON, ROTUNDO, STANLEY, STRIMLING, THE PRESIDENT PRO TEM - SHARON A. TREAT

NAYS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, SAVAGE, SAWYER, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senator: SHOREY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **EDMONDS** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-783) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-801) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Improve Subdivision Standards"

H.P. 1195 L.D. 1617

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-792)**.

Signed:

Senators:

MARTIN of Aroostook  
EDMONDS of Cumberland  
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor  
TWOMEY of Biddeford  
HUTTON of Bowdoinham  
MAKAS of Lewiston  
SAVIELLO of Wilton  
THOMPSON of China  
ANNIS of Dover-Foxcroft

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

Signed:

Representatives:

TOBIN of Windham  
JOY of Crystal

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-792)**.

Reports **READ**.

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

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Expand Property Tax Exemptions for Veterans to Cooperative Housing"

H.P. 1250 L.D. 1674

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-786)**.

Signed:

Senators:

STANLEY of Penobscot  
STRIMLING of Cumberland  
NASS of York

Representatives:

LEMOINE of Old Orchard Beach  
LERMAN of Augusta  
COURTNEY of Sanford  
CLOUGH of Scarborough  
PERRY of Bangor  
SIMPSON of Auburn  
McCORMICK of West Gardiner  
TARDY of Newport  
SUSLOVIC of Portland

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

Signed:

Representative:

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-786)**.

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-786) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **TAXATION** and the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Wildlife Habitat Conservation"

H.P. 604 L.D. 827

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-799)**.

Signed:

Senators:

STANLEY of Penobscot  
STRIMLING of Cumberland  
NASS of York  
BRYANT of Oxford  
CARPENTER of York  
KNEELAND of Aroostook

Representatives:

LEMOINE of Old Orchard Beach  
PERRY of Bangor  
McGOWAN of Pittsfield  
SIMPSON of Auburn  
LERMAN of Augusta  
SUSLOVIC of Portland  
CLOUGH of Scarborough  
COURTNEY of Sanford  
McCORMICK of West Gardiner  
TARDY of Newport  
TOBIN of Dexter  
DUNLAP of Old Town  
McGLOCKLIN of Embden  
TRAHAN of Waldoboro  
WHEELER of Kittery  
WOTTON of Littleton  
WATSON of Bath  
MOODY of Manchester

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

Signed:

Representatives:

RICHARDSON of Greenville  
HONEY of Boothbay

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-799)**.

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-799) **READ**.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-799), in concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator **STANLEY** for the Committee on **LABOR** on Bill "An Act To Promote Decision Making Within the Workers' Compensation Board" (EMERGENCY)

S.P. 750 L.D. 1909

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-458)**.

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

**READ ONCE**.

Committee Amendment "A" (S-458) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Protect the Rights of State Workers"

S.P. 374 L.D. 1150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-460)**.

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot

Representatives:

SMITH of Van Buren  
HUTTON of Bowdoinham  
HATCH of Skowhegan

PATRICK of Rumford  
WATSON of Bath  
JACKSON of Fort Kent

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel  
CRESSEY of Baldwin  
NUTTING of Oakland

Reports **READ**.

Senator **EDMONDS** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Requirements for Status as Publisher of Legal Notices"

S.P. 721 L.D. 1873

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

Signed:

Senators:

ROTUNDO of Androscoggin  
LAFOUNTAIN of York  
GILMAN of Cumberland

Representatives:

McLAUGHLIN of Cape Elizabeth  
PEAVEY-HASKELL of Greenbush  
CROSTHWAITE of Ellsworth  
STONE of Berwick  
BOWEN of Rockport  
SUSLOVIC of Portland  
BUNKER of Kossuth Township

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-459)**.

Signed:

Representatives:

KETTERER of Madison  
BARSTOW of Gorham  
SUKEFORTH of Union

Reports **READ**.



Senator **ROTUNDO** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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**Divided Report**

Ten members of the Committee on **NATURAL RESOURCES** on Bill "An Act To Implement the Recommendations of the Community Preservation Advisory Committee Regarding the State Planning Office's Review of Growth Management Programs" (EMERGENCY)

S.P. 744 L.D. 1900

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-461)**.

Signed:

Senators:

EDMONDS of Cumberland  
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor  
HUTTON of Bowdoinham  
MAKAS of Lewiston  
SAVIELLO of Wilton  
THOMPSON of China  
TOBIN of Windham  
JOY of Crystal  
ANNIS of Dover-Foxcroft

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-462)**.

Signed:

Representative:

TWOMEY of Biddeford

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-463)**.

Signed:

Senator:

MARTIN of Aroostook

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-461) ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-461) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

**SECOND READERS**

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

**House**

Bill "An Act To Amend the Definition of 'Electrical Installations' in the Laws Governing Electricians"

H.P. 1295 L.D. 1773

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

---

**Senate**

Bill "An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters"

S.P. 747 L.D. 1908

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Prevent the Sale of Water Laced with Nicotine in Maine"

S.P. 587 L.D. 1631  
(C "A" S-436)

Bill "An Act Creating the Central Maine Regional Public Safety Communication Center"

S.P. 615 L.D. 1683  
(C "A" S-454)

Bill "An Act To Enhance Pine Tree Development Zones"

S.P. 624 L.D. 1692  
(C "A" S-446)

Bill "An Act To Streamline the Sales Tax Credit for Worthless Accounts To Eliminate Unnecessary Burdens on Certain Maine Businesses and Consumers"

S.P. 646 L.D. 1714  
(C "A" S-451)

Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001 (EMERGENCY)

S.P. 648 L.D. 1716  
(C "A" S-443)

Resolve, Authorizing the Conveyance of a Conservation Easement on a Parcel of Land on Peaks Island to the Peaks Island Land Preserve

S.P. 652 L.D. 1719  
(C "A" S-455)

Bill "An Act To Establish a Monitoring Program of Maine Lakes Identified as Having Invasive Aquatic Species"

S.P. 656 L.D. 1723  
(C "A" S-450)

Bill "An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources"

S.P. 705 L.D. 1858  
(C "A" S-448)

Bill "An Act To Expand Access to Higher Education and Employment for Youth"

S.P. 708 L.D. 1862  
(C "A" S-445)

Bill "An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility Site in Plymouth"

S.P. 709 L.D. 1863  
(C "A" S-449)

Bill "An Act To Extend the Deadline for Reconsideration by Boards of Appeals"

S.P. 720 L.D. 1872  
(C "A" S-444)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED.**  
Sent down for concurrence.

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

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### ENACTORS

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

#### Emergency Measure

An Act To Provide for the Assessment of the Mahogany Quahog Resource

H.P. 1271 L.D. 1749  
(C "A" H-769)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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#### Emergency Measure

An Act To Amend the Charter of the South Berwick Water District

S.P. 722 L.D. 1874

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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#### Emergency Measure

An Act To Amend the Laws Governing the Loring Development Authority of Maine

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

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I just want to clarify for the record that this bill as amended by Committee Amendment "A" (S-432) is not intended to prevent the use of Loring Development Authority bond proceeds for the interconnection of the Loring Development Authority's pipeline with Maritime and Northeast Natural Gas pipeline at, or about, Winterport and the refurbish of the pipeline from that point north to the cogeneration

facility be located at the Loring Development Authority property in Aroostook County, as long as the project is located in Aroostook County. I wanted to make it clear that this bill has nothing to do with the rumor that some people have heard about the possibility of L and G facility at Searsport. This bill has nothing to do with that.

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Make Emergency Changes to Recent Law

H.P. 1404 L.D. 1897

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Bureau of Insurance

H.P. 1384 L.D. 1859

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education

H.P. 1393 L.D. 1869

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Acts**

An Act To Adopt a Model Building Code

S.P. 356 L.D. 1025  
(C "A" S-417)

An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes

H.P. 1239 L.D. 1663  
(C "A" H-770)

An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections

H.P. 1308 L.D. 1786  
(C "A" H-772)

An Act To Control Adult Entertainment Establishments

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

An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to the State Government Evaluation Act

H.P. 1426 L.D. 1926

An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act

H.P. 1432 L.D. 1933

An Act To Clarify Departmental Reporting Requirements for Developmental Disability Prevention Activities

H.P. 1437 L.D. 1940

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

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An Act To Amend the Laws Governing Growth Management

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#297)**

YEAS:            Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

NAYS:            Senators: None

ABSENT:         Senator: SHOREY

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing

S.P. 620 L.D. 1688  
(C "A" S-430)

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

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An Act To Amend the Boiler and Pressure Vessel Law

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

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Madame President. Just some clarification for the record. This bill eliminates the statutory requirement of every eight hour inspections of very low pressure boilers in schools and municipal buildings. We heard plenty of testimony that this was not necessary. We added to the bill, just for clarification, that this does not just include municipalities and school districts but also water districts, sewerage districts, and sanitary districts. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#298)**

YEAS:            Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAGGETT, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

NAYS:            Senators: None

ABSENT:         Senator: SHOREY

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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An Act To Improve the Viability of Railroads Operating in Maine

S.P. 757 L.D. 1918  
(H "A" H-779)

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

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**Resolves**

Resolve, To Direct the Public Utilities Commission To Examine Certain Issues Relating to Energy Efficiency

S.P. 407 L.D. 1261  
(C "A" S-424)

Resolve, Authorizing the Town of Eustis To Exchange a Certain Parcel of Land

H.P. 1403 L.D. 1896

**FINALLY PASSED** and having been signed by the President Pro Tem were presented by the Secretary to the Governor for his approval.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters 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 (2/24/04) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate in Presque Isle, Known as the 'Aroostook Residential Center'

H.P. 1307 L.D. 1785

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-696)** (12 members)

Minority - **Ought Not to Pass** (1 members)

Tabled - February 24, 2004, by Senator **ROTUNDO** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, February 19, 2004, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696)**.)

(In Senate, February 24, 2004, Reports **READ**.)

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

**READ ONCE.**

Committee Amendment "A" (H-696) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-457) **READ.**

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

Senator **MARTIN:** Thank you, Madame President. During the last budget we terminated the life of the Aroostook Residential Center, a home for mentally retarded adults. We said that we would close it at the end of June, somewhere between the 15<sup>th</sup> and the end of June. What has happened is that the replacement homes will not be ready for the remaining persons there. The Appropriations Committee and the Health and Human Services Committee discussed this at great length. The department made an agreement with the parents and guardians of the people that are at the facility that they would only be moved once. If we don't do something like I have in the amendment, to extend the life of the facility until the end of July, these people will, in fact, be moved at least twice. The amendment keeps the facility ongoing as a state facility until the end of July. The money for the continuation of the staff will come from the proceeds of the sale of the building when it is sold.

On motion by Senator **MARTIN** of Aroostook, Senate Amendment "A" (S-457) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696) AND SENATE AMENDMENT "A" (S-457), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/25/04) Assigned matter:

HOUSE REPORT - from the Committee on **INLAND FISHERIES AND WILDLIFE**, pursuant to Joint Rule 204, on Bill "An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws"  
H.P. 1265 L.D. 1743

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-781)**

Tabled - March 25, 2004, by Senator **BRYANT** of Oxford

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, March 23, 2004, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781)**.)

(In Senate, March 25, 2004, Report **READ**.)

Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-781) **READ**.

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-464) to Committee Amendment "A" (H-781) **READ** and **ADOPTED**.

Committee Amendment "A" (H-781) as Amended by Senate Amendment "A" (S-464) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission  
H.P. 1252 L.D. 1730  
(C "A" H-761)

Tabled - March 25, 2004, by Senator **BENNETT** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 18, 2004, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**, in concurrence.)

(In House, March 23, 2004, **PASSED TO BE ENACTED**.)

**PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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Senate at Ease.

Senate called to order by President Pro Tem **SHARON A. TREAT** of Kennebec County.



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

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

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On motion by Senator **DAGGETT** of Kennebec, **ADJOURNED**, to Tuesday, March 30, 2004, at 10:00 in the morning.