

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

In Senate Chamber  
Wednesday  
April 30, 2003

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

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Prayer by Reverend Arlene Tully, Randolph and East Pittston United Methodist Church.

**REVEREND TULLY:** Let us be in the spirit of prayer. Almighty God, creator of all things and author of all virtue, we ask Your blessing upon Your servants, assembled here this morning. Guide and direct the work of these conscientious persons who have been entrusted with the public welfare. Be present in, among, and through this gathered body. Holy God, these are sincere men and women who truly desire to do what is right. Help them, we pray, to discern what right is. Make plain to them the paths of truth, charity, peace, and justice. Protect them from personal ambitions that can blind them to their opportunity to serve others. Enable them to resist the temptation of power, the corruption of self-interest, and the affliction of hypocrisy. Give to them honorable intention, sincerity, and the selflessness that will motivate them to service and not to gain. Grant them strength, endurance, and integrity as they carry out their important responsibilities.

Gracious God, we give You thanks for each Senator here, for their commitment, their dedication, their determination, and their willingness to sacrifice for the common good. Guide them in all their deliberations this day. Grant them the wisdom to know Your will and the courage to carry it out. Lead them in steadfast purpose, sustain them in their labors, and empower them to be agents of Your justice. Ignite in them a passion for righteousness and make them ever mindful of their calling to represent and serve the good people of Maine.

Finally, oh God, may the work that they accomplish ultimately point to a higher commonwealth to which they and their constituents owe allegiance, for You are the God of all peoples, all races, and all nations, and to You is due all honor and glory, now and forever more. Amen.

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Doctor of the day, Katherine Pope, M.D. of Cumberland Foreside.

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Reading of the Journal of Tuesday, April 29, 2003.

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Off Record Remarks

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**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Chris Hutchins, who is the publisher of the new Maine Times, and Brad Ketchum, who is the editor of the new Maine Times. Would they please stand and accept the greetings of the Maine Senate. The Chair recognizes the Senator from Penobscot, Senator Sawyer.

Senator **SAWYER:** Thank you, Madame Chair. I believe the most recent introduction deserves just a little more information. We should all be in possession of the inaugural of the Maine Times and I wanted to point out that Chris is a multi-generational resident of Bangor. I might add he is also a mediocre skipper of a wooden sailing sloop of wide fame and regard.

Brad is one of the ex-patriots that the Bangor Daily News has been talking about for the last week or so. Brad was born in Bar Harbor and raised in Norridgewock. He has an extensive publishing career. Having them for constituents, I, for one, am pleased that they are in business and am pleased that they are employing people and paying taxes in my hometown. I'm pleased that I've been able to sponsor the free copies of this magazine to us all. Thank you.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act to Allow Electronic Calling Devices for Hunting"

S.P. 80 L.D. 157

In Senate, April 16, 2003, **FAILED PASSAGE TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Membership of the Propane and Natural Gas Board"

S.P. 49 L.D. 126

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-20)** (5 members)

In Senate, April 2, 2003, on motion by Senator **BROMLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20) AS AMENDED BY HOUSE AMENDMENT "B" (H-120)** thereto, in **NON-CONCURRENCE.**

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

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**House Paper**

Bill "An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers"

H.P. 1162 L.D. 1589

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.

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**Joint Resolution**

The following Joint Resolution:

H.P. 1163

**JOINT RESOLUTION ENDORSING TAIWAN'S PARTICIPATION IN  
THE WORLD HEALTH ORGANIZATION**

WHEREAS, good health is essential to every citizen of the world, and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, the World Health Organization set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people; and

WHEREAS, the achievements of Taiwan, the Republic of China, in the field of health are substantial, including having one of the highest life expectancy levels in Asia, having maternal and infant mortality rates comparable to those of western countries, eradicating infectious diseases such as cholera, smallpox and the plague and being the first country in Asia to eradicate polio and provide children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years, Taiwan has expressed a willingness to assist financially and technically in international health activities supported by the World Health Organization; and

WHEREAS, recent events regarding the rapid spread of a mysterious virus originating in Asia speak to the dire need for the direct and unobstructed participation in international health forums and programs critical to limiting the spread of various infectious diseases and achieving good world health; and

WHEREAS, the European Parliament called on the World Health Assembly, in Geneva, Switzerland, to accept observer status for Taiwan and on its member states to support the application of Taiwan as an observer to the World Health Organization; and

WHEREAS, the United States Congress has authorized the United States Secretary of State to endorse observer status for Taiwan at the World Health Assembly and President George W. Bush and members of his administration have voiced support for Taiwan's participation in the World Health Organization; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to commend and support the efforts of Taiwan, the Republic of China, on its application as an observer to the World Health Organization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President George W. Bush, Secretary of Health and Human Services Tommy G. Thompson, the Director-General of the World Health Organization, the Director General of the Taipei Economic and Cultural Office in Boston and the Members 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:

H.P. 1164

**AMERICAN HEART ASSOCIATION  
NORTHEAST AFFILIATE  
343 GORHAM ROAD  
SOUTH PORTLAND, MAINE 04268**

April 16, 2003

Honorable Patrick Colwell  
Speaker of the House  
Room 303, State House

2 State House Station  
Augusta, ME 04333

Dear Speaker Colwell:

As chair of the Maine's Tobacco Prevention and Control Advisory Council, I respectfully submit the enclosed Advisory Council Report to Governor John Elias Baldacci and the Maine State Legislature for the calendar year 2002.

Thank you for giving the Council the opportunity to report on the important work being done by the Partnership For A Tobacco-Free Maine to improve the health of the citizens of Maine.

Sincerely,

S/Dennise D. Whitley, MHA  
Director of Health Initiatives and Advocacy

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

**READ** and with accompanying papers **ORDERED PLACED ON FILE**, in concurrence.

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The Following Communication:

S.C. 192

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

April 24, 2003

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

Dear President Daggett and Speaker Colwell:

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

L.D. 1218      An Act To Enact the Revised Uniform Arbitration Act

L.D. 1376      An Act Regarding Limited Liability Companies

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

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. William S. Norbert  
House Chair

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

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The Following Communication:

S.C. 193

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
INSURANCE AND FINANCIAL SERVICES**

April 17, 2003

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

Dear President Daggett and Speaker Colwell:

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

- L.D. 366 An Act To Prevent Discrimination Against Group Health Plans Sponsored by Agricultural Cooperatives
- L.D. 1096 An Act To Create a Timetable for Insurers To Make Restitution to Consumers
- L.D. 1119 An Act To Require Insurers To Offer a Discount for Operators of Commercial Vehicles Equipped with Safety Devices
- L.D. 1200 An Act To Allow an Appeal for Cancellation of Commercial Insurance

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

Sincerely,

S/Sen. Lloyd P. LaFountain III  
Senate Chair

S/Rep. Christopher P. O'Neil  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$13,300,000 To Address Health, Safety and Compliance Deficiencies in the University of Maine System; To Expedite the Creation of a Community College System; To Make Improvements to State Parks; To Make Cultural Improvements; and To Modernize the State Court System"

S.P. 546 L.D. 1591

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

Cosponsored by Representative BRANNIGAN of Portland and Senator: MITCHELL of Penobscot, Representatives: CUMMINGS of Portland, FINCH of Fairfield, LEDWIN of Holden.

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

Sent down for concurrence.

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Bill "An Act To Amend the Motor Vehicle Laws"

S.P. 545 L.D. 1590

Sponsored by Senator HATCH of Somerset.

Cosponsored by Representative USHER of Westbrook.

Submitted by the Secretary of State pursuant to Joint Rule 204.

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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

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**ORDERS**

**Joint Order**

Expressions of Legislative Sentiment recognizing:

The Governor Baxter School for the Deaf Boys Basketball Team, winners of the 2003 Eastern Schools for the Deaf Athletic Association Division III Championship. This is their 4th championship in the last 5 seasons. We recognize players Brad Odegard, Sam Scully, Travis Turcotte, Jonathan Baldwin, Matt Hood, Kevin LaVallee, Anthony Less, Chris Miller, Andrew Blethen, Clayton Marr III, Cruz McCarn and James Muise, Assistant Coach Matthew A. Welch and Head Coach Jim Clark. We congratulate them also on their receiving the tournament Sportsmanship Trophy in 2002 and 2003. Division III is comprised of teams from Maine, New York, Vermont and West Virginia. We extend our congratulations to the team for their tremendous achievements;

SLS 153

Sponsored by Senator BRENNAN of Cumberland.

Under suspension of the rules, cosponsored by Senators: EDMONDS of Cumberland, TREAT of Kennebec, DOUGLASS of Androscoggin, MITCHELL of Penobscot, Representatives: DAVIS of Falmouth, CUMMINGS of Portland, GAGNE-FRIEL of Buckfield, NORTON of Bangor, THOMAS of Orono, FINCH of Fairfield, FISCHER of Presque Isle, MURPHY of Kennebunk, ANDREWS of York, LEDWIN of Holden.

**READ.**

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. Today is a very special day, and on behalf of the Education Committee and other members of the Senate, I'm very pleased that we have the team from the Governor Baxter School for the Deaf here to be recognized. You have all been here any number of days where we recognize state champions for basketball, football, lacrosse, hockey, or soccer. This team is not only champions in the State of Maine, but they are the Eastern Maine Champions, not for the first time, but for the fourth time in the last five years. Unfortunately, this is the first time that we have invited them to recognize them for their achievement. That is why I think it is an extra-special day. They have had an outstanding team for four of the last five years. This is our first opportunity to recognize that achievement.

Secondly, and probably more importantly, not only have they won championships because of their playing, but they have also been recognized for their sportsmanship. As it was noted in the sentiment, in both 2002 and 2003, not only were they recognized for their playing, but because of their sportsmanship. We are very fortunate today to have them here to recognize them for their athletic accomplishment and also for their accomplishment as good sports. They really set an example of why athletic competition and this type of recognition should be seen today by this Senate. Thank you very much. I hope you all will join me in honoring them today.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is extremely pleased to recognize in the rear of the chamber members of the basketball team Brad Odegard, Sam Scully, Travis Turcotte, Jonathan Baldwin, Matt Hood, Kevin LaVallee, Anthony Less, Chris Miller, Andrew Blethen, Clayton Marr, Cruz McCarn and James Muise, along with their coaches. Would they please stand and accept the greetings of the Maine Senate.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, Directing the Department of Labor and the Department of Economic and Community Development To Include Information on the Canadian Maritime Provinces in Their Comparison Reports  
H.P. 554 L.D. 748

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-184)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184)**.

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

**READ ONCE.**

Committee Amendment "A" (H-184) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Offer Zero-interest Loans to Employers Providing Bicycle Facilities"  
H.P. 624 L.D. 847

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.

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

**READ ONCE.**

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Designate the Department of Economic and Community Development as the Lead Agency in the State's Response to Certain Events" (EMERGENCY)  
H.P. 675 L.D. 918

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-183)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183)**.

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

**READ ONCE.**

Committee Amendment "A" (H-183) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Volunteer Social Work To Count towards Licensure"

H.P. 849 L.D. 1146

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-182)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)**.

Report **READ**.

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Revise the Charter of the Brunswick Sewer District"

H.P. 485 L.D. 655

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-180)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-180)**.

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

**READ ONCE**.

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Energy Efficiency Standards"

H.P. 975 L.D. 1321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-179)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-179)**.

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

**READ ONCE**.

Committee Amendment "A" (H-179) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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#### **Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Disclosure of Retail Prescription Drug Prices"

H.P. 111 L.D. 102



Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-172)**.

Signed:

Senators:

BRENNAN of Cumberland  
MARTIN of Aroostook

Representatives:

EARLE of Damariscotta  
CRAVEN of Lewiston  
KANE of Saco  
DUGAY of Cherryfield  
CURLEY of Scarborough  
WALCOTT of Lewiston  
LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Reports **READ**.

On motion by Senator **BRENNAN** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

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### Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts"

H.P. 823 L.D. 1120

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

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 Not To Pass**.

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** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke the Voting Privileges of Convicted Persons in Prison

H.P. 159 L.D. 200

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

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

LANDRY of Sanford

BROWN of South Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-171)**.

Signed:

Senators:

LEMONT of York

MAYO of Sagadahoc

Representatives:

GLYNN of South Portland

HOTHAM of Dixfield

MOORE of Standish

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

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Rescind the Vehicle Registration of a Person Who Pays for That Registration with a Bad Check"

H.P. 282 L.D. 362

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

Signed:

Senators:

SAVAGE of Knox  
DAMON of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-203)**.

Signed:

Senator:

HATCH of Somerset

Representative:

MARLEY of Portland

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

Reports **READ**.

Senator **HATCH** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Hatch.

Senator **HATCH:** Thank you, Madame President, ladies and gentlemen of the Senate. I just wanted to bring up a few things in regard to this legislation. This is in regards to bad checks that have been passed, at the local level, in regards to registration. Anyone who does that still can ride around with those plates on their vehicle, for an indefinite amount of time, unless someone like my local town manager who went and physically took the plates off the car. I think this is a bad precedent. I know that if the vehicle is licensed with the Secretary of State's Office they rescind the plates. On the local level there isn't a mechanism to do that unless they go to court and the whole nine yards, which is costly and then many times people don't pay. In this it's still the same. It gives them 30 days to make good on the bad checks.

I felt that we needed this legislation, although we don't have the public outcry at this time. Just listening to my town manager talking about going into somebody's driveway and taking plates off, I don't think that is a good thing for anybody to have to do, whether it's a police officer or the town manager. The Secretary of State's Office, who does this on a regular basis, told us the number is fairly small that they have to deal with, but their reaction to this was that they don't want any more work to do, so they would have to put another employee on and they gave us about a \$40,000 note on this bill. I think they can do it within their budget.

I think they can do it and make sure that people know, by sending out a letter, that either they pay this immediately or we will rescind their registration. I think a letter from the Secretary of State's Office is probably all it would take in most cases. When they don't react to the town when they send out notices to them that they have 30 days to make good on the check, I think just a letter from the Secretary of State's Office, in some cases, would do that. So this \$40,000 note, I don't think there is any reason that we have to put another person on. If they are handling some already, they can handle a few more. Thank you very much. I ask for your support.

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 (#33)**

YEAS: Senators: BROMLEY, CARPENTER, DAMON, DOUGLASS, EDMONDS, HALL, HATCH, MARTIN, PENDLETON, STANLEY, STRIMLING, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, CATHCART, DAVIS, GAGNON, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MAYO, MITCHELL, NASS, ROTUNDO, SAVAGE, SAWYER, SHOREY, TREAT, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

ABSENT: Senators: BENNETT, BRENNAN, BRYANT

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **HATCH** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Senate**

**Ought to Pass**

Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Railroad Police Training"

S.P. 482 L.D. 1450

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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**Ought to Pass As Amended**

Senator BRYANT for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Mandated Reporters and Child Abuse"  
S.P. 370 L.D. 1098

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-84)**.

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

**READ ONCE**.

Committee Amendment "A" (S-84) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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Senator BRYANT for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Bring the State into Conformity with the National Organic Program"  
S.P. 487 L.D. 1459

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

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

**READ ONCE**.

Committee Amendment "A" (S-83) **READ** and **ADOPTED**.

Under suspension of the Rules **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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Senator STRIMLING for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Limit the Transfer of Handguns to Minors"  
S.P. 141 L.D. 404

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-86)**.

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

**READ ONCE**.

Committee Amendment "A" (S-86) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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#### **Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Prevent Abuse of Elephants"  
S.P. 109 L.D. 327

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

Signed:

Senators:

BRYANT of Oxford  
KNEELAND of Aroostook

Representatives:

LUNDEEN of Mars Hill  
SMITH of Monmouth  
CARR of Lincoln  
HONEY of Boothbay  
CHURCHILL of Orland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-85)**.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

McKEE of Wayne  
PINEAU of Jay  
PIOTTI of Unity  
FLETCHER of Winslow  
EDER of Portland

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report.

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### Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide a Preference for State Residents in the Awarding of Government Contracts"  
S.P. 313 L.D. 972

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  
STONE of Berwick  
KETTERER of Madison  
CROSTHWAITE of Ellsworth  
BARSTOW of Gorham  
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**.

Signed:

Representative:

SUKEFORTH of Union

Reports **READ**.

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

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders"  
H.P. 1165 L.D. 1592

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

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Amend Laws Relating to Development of Service Plans for Persons with Mental Retardation"  
H.P. 1166 L.D. 1593

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1167

**JOINT RESOLUTION RECOGNIZING THE MONTH OF MAY  
2003 AS BETTER SPEECH AND HEARING MONTH**

WHEREAS, AMHC's speech-language pathologists in Aroostook County observe and celebrate Better Speech and Hearing Month annually during the month of May; and

WHEREAS, Aroostook County recognizes and values the efforts of all who work to eliminate or minimize the isolating effects of communication disorders, which affect one in 10 families; and

WHEREAS, those citizens of Aroostook County who have overcome their communication disorders through the services of dedicated AMHC speech-language pathologists should be recognized; and

WHEREAS, AMHC's speech-language pathology services throughout Aroostook County help to enable and empower individuals with communication disorders to lead independent, productive and fulfilling lives; and

WHEREAS, Aroostook County is proud and honored to have 5 AMHC speech-language pathologists offering high-quality education and health care services to citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Regular Session, on behalf of the people we represent, proclaim the month of May 2003 as Better Speech and Hearing Month, and we urge all citizens of Aroostook County to recognize the achievements of AMHC's speech-language pathologists in improving the quality of life for people with communication disorders; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to AMHC's Speech and Language Services on behalf of the people of the State of Maine.

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1168

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF  
THE UNITED STATES, THE UNITED STATES CONGRESS  
AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION  
TO NOT CUT ESSENTIAL AIR SERVICES FUNDING**

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

WHEREAS, the State of Maine has recently become aware of the reductions in funding proposed for the Essential Air Services, EAS, program by the current administration for fiscal year 2003-04 to \$50,000,000 from the previous year's funding of \$113,000,000; and

WHEREAS, there is also a proposed community match in the budget to access federal funds that could effectively end scheduled air service for Maine towns that now receive EAS funds since this is a time when Maine communities, especially the rural ones, can least afford such a match and our business climate can least withstand a setback; and



WHEREAS, the timing of these reductions could not be worse, as air service to such cities and towns in Maine as Augusta, Waterville, Bar Harbor, Rockland and Presque Isle is critical to help maintain a transportation infrastructure that supports Maine's existing businesses; and

WHEREAS, established businesses in Maine and businesses that we are trying to attract need reliable access to national and international air service, so the Essential Air Service program is truly "essential" to Maine communities; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to urge the President of the United States, the United States Congress and the United States Department of Transportation to stop the downward spiral that loss of essential air service could trigger in Maine's communities and restore full funding of the Essential Air Services program; and be it further

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

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

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

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

**ENACTORS**

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

**Emergency Measure**

An Act to Address Funding of the North Jay Water District

H.P. 14 L.D. 7  
(C "A" H-111)

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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Update the Process for the Allocation of the State Ceiling on Tax-exempt Bonds

S.P. 465 L.D. 1409  
(C "A" S-41)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in the negative, and 30 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.

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

**ENACTORS**

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

**Acts**

An Act to Enhance School Zone Safety

H.P. 19 L.D. 12  
(C "A" H-119)

An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses

H.P. 62 L.D. 54  
(C "A" H-98)

An Act To Prohibit Absolute Discretion Clauses in Health Carrier Contracts

H.P. 259 L.D. 316  
(C "A" H-118)

An Act To Establish a Transportation Assistance Pilot Program

S.P. 116 L.D. 334  
(C "A" S-43)

An Act To Allow a Court To Order the Cancellation of a Life Insurance Policy as Part of a Protection from Abuse Proceeding

H.P. 317 L.D. 409  
(C "A" H-112)

An Act To Improve the Process of Credentialing Health Care Providers

H.P. 331 L.D. 423  
(C "A" H-116)

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

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

**ENACTORS**

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

**Acts**

An Act To Establish New Standards for Credit Reporting

H.P. 419 L.D. 556  
(C "A" H-117)

An Act Regarding Mortuary Trusts

S.P. 240 L.D. 676  
(C "A" S-39)

An Act To Educate Consumers Regarding Voluntary Repossession

S.P. 300 L.D. 904  
(C "A" S-42)

An Act To Create the Bayside Utilities District

H.P. 886 L.D. 1212

An Act To Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State

H.P. 1055 L.D. 1443

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

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Senate at Ease.

Senate called to order by the President.

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

**ENACTORS**

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

**Resolve**

Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE  
H.P. 603 L.D. 826  
(C "A" H-114)

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

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later (4/16/03) Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**  
on Bill "An Act To Amend the Not Guilty by Reason of Insanity Verdict"  
S.P. 363 L.D. 1091

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

Minority - **Ought to Pass** (1 member)

Tabled - April 16, 2003, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 16, 2003, Reports **READ**.)

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

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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

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

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Off Record Remarks

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On motion by Senator **GAGNON** of Kennebec, **ADJOURNED** to Thursday, May 1, 2003, at 10:00 in the morning.