

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-First Legislature  
State of Maine

Volume 1

First Regular Session  
December 4, 2002 to May 20, 2003

Pages 1 - 714

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

In Senate Chamber  
Tuesday  
January 21, 2003

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

Prayer by Reverend David Glusker, First Radio Parish Church in  
South China.

**REVEREND GLUSKER:** It is a wonder to me that God, being all-  
powerful, has, nevertheless, given to us the opportunity to make  
decisions that affect our world. Let us pray.

Lord, God, we ask You to guide us as we make decisions  
today. We recognize that those choices will affect, not only  
ourselves, but also thousands upon thousands of people. Help  
us to be wise, help us to be understanding, help us to be kind.  
Bless us that we not make any mistakes that will cause great  
harm to others and that we do, what we know, is in keeping with  
Your will. Amen.

Pledge of Allegiance led by Senator Mary R. Cathcart of  
Penobscot County.

Doctor of the day, Erik Steele, D.O. of Bangor.

Reading of the Journal of Thursday, January 16, 2003.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

JOINT ORDER - Amending Joint Rule 304 to Require Adoption of  
Procedure in Which Testimony Will Be Heard  
H.P. 42

In House, January 14, 2003, **READ** and **PASSED**.

In Senate, January 16, 2003, **READ** and **INDEFINITELY  
POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **TREAT** of Kennebec, the Senate  
**INSISTED**.

**COMMUNICATIONS**

The Following Communication: S.P. 33

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

January 15, 2003

Sen. Bruce S. Bryant  
Senate Chair, Joint Standing Committee on  
Agriculture, Conservation and Forestry  
Rep. Linda Rogers McKee  
House Chair, Joint Standing Committee on  
Agriculture, Conservation and Forestry  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:

Please be advised that Governor John E. Baldacci has nominated  
Patrick McGowan of York as Commissioner of the Department of  
Conservation.

Pursuant to Title 12, M.R.S.A. §5011, this nomination will require  
review by the Joint Standing Committee on Agriculture,  
Conservation and Forestry 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 **AGRICULTURE,  
CONSERVATION AND FORESTRY**.

Ordered sent down forthwith for concurrence.

The Following Communication: S.P. 34

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

January 15, 2003

Sen. Mary R. Cathcart  
Senate Chair, Joint Standing Committee on  
Appropriations and Financial Affairs  
Rep. Joseph C. Brannigan  
House Chair, Joint Standing Committee on  
Appropriations and Financial Affairs  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Cathcart and Representative Brannigan:

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

Please be advised that Governor John E. Baldacci has nominated Rebecca Wyke of Augusta as Commissioner of the Department of Administrative and Financial Services.

Pursuant to Title 5, M.R.S.A. §281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Ordered sent down forthwith for concurrence.

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The Following Communication: S.P. 35

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

January 15, 2003

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

Dear Senator LaFountain and Representative O'Neil:

Please be advised that Governor John E. Baldacci has nominated Robert Murray of Bangor as Commissioner of the Department of Professional and Financial Regulation.

Pursuant to Title 10, M.R.S.A. §8002, this nomination will require review by the Joint Standing Committee on Banking and Insurance and confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett  
President of the Senate

S/Patrick Colwell  
Speaker of the House

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

Ordered sent down forthwith for concurrence.

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The Following Communication: S.P. 36

January 15, 2003

Sen. Ethan Strimling  
Senate Chair, Joint Standing Committee on  
Criminal Justice  
Rep. George H. Bunker, Jr.  
House Chair, Joint Standing Committee on  
Criminal Justice  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Strimling and Representative Bunker:

Please be advised that Governor John E. Baldacci has nominated Martin Magnusson of Thomaston as Commissioner of the Department of Corrections.

Pursuant to Title 34-A, M.R.S.A. §1401, this nomination will require review by the Joint Standing Committee on Criminal Justice 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Ordered sent down forthwith for concurrence.

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The Following Communication: S.P. 37

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

January 15, 2003

Sen. Dennis S. Damon  
Senate Chair, Joint Standing Committee on  
Marine Resources  
Rep. Thomas D. Bull  
House Chair, Joint Standing Committee on  
Marine Resources  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Damon and Representative Bull:

Please be advised that Governor John E. Baldacci has nominated George Lapointe of Hallowell as Commissioner of the Department of Marine Resources.

Pursuant to Title 12, M.R.S.A. §6022, this nomination will require review by the Joint Standing Committee on Marine Resources 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 **MARINE RESOURCES**.

Ordered sent down forthwith for concurrence.

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The Following Communication: S.P. 38

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

January 15, 2003

Sen. John L. Martin  
Senate Chair, Joint Standing Committee on  
Natural Resources  
Rep. Theodore Koffman  
House Chair, Joint Standing Committee on  
Natural Resources  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Martin and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated Dawn Gallagher of Hallowell as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, M.R.S.A. §341-A, this nomination will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

Ordered sent down forthwith for concurrence.

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The Following Communication: S.C. 16

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
AUGUSTA, MAINE 04333**

January 15, 2003

Honorable Beverly C. Daggett  
Maine Senate  
3 State House Station  
Augusta, Maine 04333

Dear Senate President Daggett,

Resolves 2001, Chapter 111, adopted by the Second Regular Session of the 120th Legislature, instructed state agencies to submit to the Secretary of State a list of licenses, registrations, forms, and reports required by those agencies to operate a business or occupation in Maine. Pursuant to the same resolve, our Department has compiled a master list of licenses, registrations, forms and reports and is submitting this information to the First Regular Session of the 121st Legislature.

This report contains a copy of Resolves 2001, Chapter 111, a summary total of the listings provided by each agency, and a detailed listing of the applications, forms, reports, or licenses. The detailed list is sorted by department, responsible unit, and listing name.

Please feel welcome to contact me at 626-8400 with any questions regarding this report or any other matter for which I may be of assistance.

Sincerely,

S/Dan A. Gwadosky  
Secretary of State

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

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**SENATE PAPERS**

Bill "An Act to Provide Continued Funding for the Maine Airst Program"

S.P. 42 L.D. 119

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative ADAMS of Portland and Senators: BRENNAN of Cumberland, President DAGGETT of Kennebec, MITCHELL of Penobscot, STRIMLING of Cumberland, Representative: SUSLOVIC of Portland.

Bill "An Act to Continue Membership in the National Legislative Association on Prescription Drug Pricing"

S.P. 43 L.D. 120

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative LEMOINE of Old Orchard Beach and Senator: TREAT of Kennebec, Representatives: DUDLEY of Portland, KANE of Saco, RICHARDSON of Brunswick.

Bill "An Act to Provide Funding for Positions to Provide Computer Services to the Blind"

S.P. 47 L.D. 124

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Senator GILMAN of Cumberland,  
Representative ADAMS of Portland and Senators: BRENNAN of  
Cumberland, President DAGGETT of Kennebec, MITCHELL of  
Penobscot, STRIMLING of Cumberland, Representative:  
SUSLOVIC of Portland.

Bill "An Act To Provide Medicaid Funding of Outstationed  
Eligibility Work"

S.P. 65 L.D. 142

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Senators: CATHCART of Penobscot,  
ROTUNDO of Androscoggin, Representatives: DUDLEY of  
Portland, O'BRIEN of Augusta, SMITH of Van Buren.

Bill "An Act To Authorize a General Fund Bond Issue in the  
Amount of \$30,000,000 To Fund Healthy Schools Through the  
School Revolving Renovation Fund"

S.P. 87 L.D. 164

Sponsored by Senator TREAT of Kennebec.  
Cosponsored by Senators: BROMLEY of Cumberland,  
DOUGLASS of Androscoggin, HALL of Lincoln, ROTUNDO of  
Androscoggin, Representatives: MAILHOT of Lewiston, MAKAS  
of Lewiston, SIMPSON of Auburn.

Bill "An Act To Authorize a General Fund Bond Issue in the  
Amount of \$1,200,000 To Provide Economic Development in  
Western Maine"

S.P. 88 L.D. 165

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative PATRICK of Rumford and  
Senators: BROMLEY of Cumberland, MARTIN of Aroostook,  
STANLEY of Penobscot, Representatives: DUDLEY of Portland,  
GAGNE-FRIEL of Buckfield.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act to Amend the Membership of the Propane and  
Natural Gas Board"

S.P. 49 L.D. 126

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative HATCH of Skowhegan and  
Senators: HATCH of Somerset, STANLEY of Penobscot,  
Representatives: DUNLAP of Old Town, HUTTON of  
Bowdoinham, PATRICK of Rumford, PINEAU of Jay, SMITH of  
Van Buren.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act Regarding the Enforcement Powers of the Office of  
the State Fire Marshal"

S.P. 31 L.D. 79

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Senator: CARPENTER of York.

Bill "An Act To Clarify That Possession of More Than 1 1/4  
Ounces of Marijuana is a Crime"

S.P. 68 L.D. 145

Sponsored by Senator SAVAGE of Knox.  
Cosponsored by Representative McNEIL of Rockland and  
Senator: DAVIS of Piscataquis, Representatives: MILLS of  
Cornville, TRAHAN of Waldoboro.

Bill "An Act Concerning Full-time Law Enforcement and  
Corrections Officers"

S.P. 74 L.D. 151

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Senator: CARPENTER of York.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act To Amend the Laws Governing Home Instruction"  
S.P. 83 L.D. 160

Sponsored by Senator WESTON of Waldo.  
Cosponsored by Representative GAGNE-FRIEL of Buckfield and  
Senators: BENNETT of Oxford, BRENNAN of Cumberland,  
DAVIS of Piscataquis, MITCHELL of Penobscot, SAVAGE of  
Knox, Representatives: CLOUGH of Scarborough, CUMMINGS  
of Portland, McKENNEY of Cumberland

Bill "An Act to Provide for the Fair Distribution of Resources for  
Teaching Students of Limited Proficiency in English"  
(EMERGENCY)

S.P. 85 L.D. 162

Sponsored by Senator ROTUNDO of Androscoggin.  
Cosponsored by Representative CRAVEN of Lewiston and  
Senators: DOUGLASS of Androscoggin, GAGNON of Kennebec,  
SAWYER of Penobscot, Representatives: FAIRCLOTH of  
Bangor, LEDWIN of Holden, SYKES of Harrison, WALCOTT of  
Lewiston.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses"

S.P. 55 L.D. 132

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative FISCHER of Presque Isle, Representative RICHARDSON of Brunswick and Senators: SAWYER of Penobscot, TREAT of Kennebec, Representatives: BULL of Freeport, DUDLEY of Portland, LEMOINE of Old Orchard Beach, O'NEIL of Saco, WOODBURY of Yarmouth.

Bill "An Act to Allow Nursing Homes to Use Leftover Medications"  
S.P. 58 L.D. 135

Sponsored by Senator BENNETT of Oxford.

Resolve, to Improve Access to Breast and Cervical Cancer Treatment

S.P. 66 L.D. 143

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Representative BENNETT of Caribou and Senators: BRYANT of Oxford, CATHCART of Penobscot, GAGNON of Kennebec, KNEELAND of Aroostook, ROTUNDO of Androscoggin, TREAT of Kennebec, Representatives: FISCHER of Presque Isle, TWOMEY of Biddeford.

Bill "An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms"  
S.P. 70 L.D. 147

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Representative MILLETT of Waterford and Senators: BENNETT of Oxford, BROMLEY of Cumberland, SAWYER of Penobscot, Representative: KOFFMAN of Bar Harbor.

Bill "An Act to Require that Patients in Private Mental Hospitals Be Afforded the Same Rights As Patients in State Mental Institutions"

S.P. 79 L.D. 156

Sponsored by Senator BENNETT of Oxford.

Bill "An Act To Refine the Criteria for Issuing a Certificate of Need"

S.P. 82 L.D. 159

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative DUGAY of Cherryfield and Senators: MAYO of Sagadahoc, WESTON of Waldo, Representatives: CUMMINGS of Portland, O'BRIEN of Augusta.

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

Sent down for concurrence.

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Bill "An Act to Clarify the Laws Relating to Public Water Systems"  
S.P. 56 L.D. 133

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative CLARK of Millinocket and Senators: BROMLEY of Cumberland, HALL of Lincoln, KNEELAND of Aroostook, YOUNGBLOOD of Penobscot, Representatives: RICHARDSON of Brunswick, SULLIVAN of Biddeford.

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Ordered sent down forthwith for concurrence.

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Bill "An Act to Require Permission for an ATV to Cross Private Land"  
S.P. 29 L.D. 77

Sponsored by Senator KNEELAND of Aroostook.  
Cosponsored by Representative CLARK of Millinocket and Senators: BRYANT of Oxford, STANLEY of Penobscot, YOUNGBLOOD of Penobscot, Representatives: BENNETT of Caribou, JACKSON of Fort Kent, LUNDEEN of Mars Hill, SHERMAN of Hodgdon, WOTTON of Littleton.

Bill "An Act to Allow Hunters to Exchange Assigned Hunting Areas or Zones with Other Hunters"

S.P. 46 L.D. 123

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative McGLOCKLIN of Embden and Senators: CARPENTER of York, KNEELAND of Aroostook, Representatives: DUNLAP of Old Town, HATCH of Skowhegan, HONEY of Boothbay, PATRICK of Rumford, PINEAU of Jay, SMITH of Van Buren.

Bill "An Act Regarding the Publication of Trapping Rules"  
S.P. 50 L.D. 127

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative DUNLAP of Old Town and Senator: KNEELAND of Aroostook, Representatives: HATCH of Skowhegan, HONEY of Boothbay, McGLOCKLIN of Embden, PATRICK of Rumford, PINEAU of Jay, SMITH of Van Buren.

Bill "An Act to Provide Funding for a Full-time Warden to Monitor Brandy Pond in the Town of Naples and to Allow the Town to Enact a Noise Level Ordinance"

S.P. 51 L.D. 128

Sponsored by Senator BENNETT of Oxford.  
Cosponsored by Representative CRESSEY of Baldwin.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Programmatic Review of the Department's Bureau of Administrative Services

S.P. 52 L.D. 129

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative DUNLAP of Old Town and Senator: KNEELAND of Aroostook, Representatives: HONEY of Boothbay, McGLOCKLIN of Embden, PATRICK of Rumford, PINEAU of Jay, SMITH of Van Buren.

Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the Bureau of Warden Service

S.P. 53 L.D. 130

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative DUNLAP of Old Town and Senator: KNEELAND of Aroostook, Representatives: HATCH of Skowhegan, HONEY of Boothbay, HOTHAM of Dixfield, McGLOCKLIN of Embden, PATRICK of Rumford, PINEAU of Jay.

Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Wildlife Management Program

S.P. 54 L.D. 131

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative DUNLAP of Old Town and Senator: KNEELAND of Aroostook, Representatives: HONEY of Boothbay, McGLOCKLIN of Embden, PATRICK of Rumford, PINEAU of Jay, SMITH of Van Buren.

Bill "An Act to Limit the Articles of Hunter Orange Clothing Required to a Hunter Orange Hat"

S.P. 59 L.D. 136

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Senator: HATCH of Somerset, Representative: GERZOFKY of Brunswick.

Bill "An Act to Make Hunting Hours Consistent"

S.P. 60 L.D. 137

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative PATRICK of Rumford and Senator: HATCH of Somerset, Representatives: GERZOFKY of Brunswick, HUTTON of Bowdoinham, PINEAU of Jay.

Bill "An Act to Allow Electronic Calling Devices for Hunting"  
S.P. 80 L.D. 157

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative PATRICK of Rumford and Senators: CARPENTER of York, HATCH of Somerset, KNEELAND of Aroostook, Representative: CARR of Lincoln.

Bill "An Act to Limit Agent Fees to the Number of Transactions"  
S.P. 81 L.D. 158

Sponsored by Senator BRYANT of Oxford.  
Cosponsored by Representative DUNLAP of Old Town and Senator: CARPENTER of York, Representative: GERZOFKY of Brunswick.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act to Promote Fairness and Opportunity for Working Amputees"  
S.P. 48 L.D. 125

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative O'NEIL of Saco and Senators: BROMLEY of Cumberland, President DAGGETT of Kennebec, GAGNON of Kennebec, Representatives: BULL of Freeport, DUDLEY of Portland, FLETCHER of Winslow, PERRY of Calais, SNOWE-MELLO of Poland.

Bill "An Act to Allow Certain Discounts on Health Insurance"  
S.P. 84 L.D. 161

Sponsored by Senator LaFOUNTAIN of York.  
Cosponsored by Representative O'NEIL of Saco and Senator: MAYO of Sagadahoc.

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Ordered sent down forthwith for concurrence.

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Bill "An Act To Clarify the Powers of Guardians"  
S.P. 41 L.D. 118

Sponsored by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representative SIMPSON of Auburn and Senators: CATHCART of Penobscot, LaFOUNTAIN of York, MARTIN of Aroostook, MAYO of Sagadahoc, Representatives: DUNLAP of Old Town, NORBERT of Portland.



Bill "An Act To Limit Pretrial Discovery in Libel Actions"

S.P. 67 L.D. 144

Sponsored by Senator SAVAGE of Knox.

Cosponsored by Representative: McNEIL of Rockland.

**REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Ordered sent down forthwith for concurrence.

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Bill "An Act To Require a Toll-free Telephone Number To Be Maintained by the Bureau of Unemployment Compensation" (EMERGENCY)

S.P. 39 L.D. 116

Sponsored by Senator BRYANT of Oxford.

Cosponsored by Senators: HATCH of Somerset, STANLEY of Penobscot, Representatives: CRESSEY of Baldwin, HUTTON of Bowdoinham, PATRICK of Rumford.

Bill "An Act Relating to Unemployment Compensation"

S.P. 40 L.D. 117

Sponsored by Senator BRYANT of Oxford.

Cosponsored by Senators: HATCH of Somerset, STANLEY of Penobscot, Representatives: DUNLAP of Old Town, HOTHAM of Dixfield, HUTTON of Bowdoinham, McGLOCKLIN of Embden, PATRICK of Rumford, SMITH of Van Buren.

Bill "An Act To Clarify Employment Status of Owner-operators in the Trucking Industry"

S.P. 71 L.D. 148

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative LUNDEEN of Mars Hill and Senator: BRYANT of Oxford, Representatives: CARR of Lincoln, JACKSON of Fort Kent, SMITH of Van Buren, TRAHAN of Waldoboro.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act to Amend the Laws Governing Push Polling"

S.P. 44 L.D. 121

Sponsored by Senator BENNETT of Oxford.

Bill "An Act Regarding the Sampling of Products"

S.P. 45 L.D. 122

Sponsored by Senator WOODCOCK of Franklin.

Bill "An Act to Authorize Use of Beano Proceeds to Compensate Persons who Transport Disabled Veterans"

S.P. 63 L.D. 140

Sponsored by Senator STANLEY of Penobscot.

Cosponsored by Representative PINEAU of Jay and Senators: GAGNON of Kennebec, HALL of Lincoln, HATCH of Somerset, Representatives: HATCH of Skowhegan, JACKSON of Fort Kent.

Bill "An Act to Prohibit the Secretary of State From Endorsing Political Candidates"

S.P. 76 L.D. 153

Sponsored by Senator BLAIS of Kennebec.

Cosponsored by Representative BERUBE of Lisbon and Senators: DAVIS of Piscataquis, TURNER of Cumberland, WOODCOCK of Franklin.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Ordered sent down forthwith for concurrence.

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Resolve, To Regulate the Disposal of Dental Mercury Amalgam

S.P. 57 L.D. 134

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Senators: STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, Representatives: BARSTOW of Gorham, BENNETT of Caribou, COWGER of Hallowell, KOFFMAN of Bar Harbor, TWOMEY of Biddeford.

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

Ordered sent down forthwith for concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Election of the Secretary of State

S.P. 30 L.D. 78

Sponsored by Senator DAVIS of Piscataquis.

Cosponsored by Senators: BLAIS of Kennebec, WOODCOCK of Franklin.

Bill "An Act to Authorize the Town of Medway to Sell Certain Land"

S.P. 62 L.D. 139

Sponsored by Senator STANLEY of Penobscot.

Cosponsored by Representative DUPREY of Medway and Representative: CLARK of Millinocket.

Bill "An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education"

S.P. 72 L.D. 149

Sponsored by Senator NASS of York.

Cosponsored by Senator: WESTON of Waldo, Representative: PERRY of Calais.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act to Increase Revenue Sharing to a Municipality by 5% of its Allocation if it Shares Fire, Police and Recreation Services with Adjoining Municipalities"

S.P. 64 L.D. 141

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Representative McGOWAN of Pittsfield and Senators: HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, STANLEY of Penobscot, WOODCOCK of Franklin, Representatives: DUGAY of Cherryfield, JACKSON of Fort Kent, PERRY of Bangor.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **TAXATION**.

Ordered sent down forthwith for concurrence.

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Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland (EMERGENCY)

S.P. 61 L.D. 138

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Representative CHURCHILL of Washburn.

Bill "An Act to Establish a Tax Credit for Parents who Homeschool Their Children"

S.P. 69 L.D. 146

Sponsored by Senator NASS of York.  
Cosponsored by Representative GLYNN of South Portland and Representative: McCORMICK of West Gardiner.

Bill "An Act to Provide a Sales Tax Exemption for Nonprofit Organizations That Provide Food and Lodging for Family Members of Patients in Hospitals"

S.P. 77 L.D. 154

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative TARDY of Newport and Senators: KNEELAND of Aroostook, LEMONT of York, PENDLETON of Cumberland, SAVAGE of Knox, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot, Representatives: COLLINS of Wells, TOBIN of Dexter.

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

Ordered sent down forthwith for concurrence.

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Resolve, Directing That a Traffic Light Be Installed at an Intersection in York

S.P. 73 L.D. 150

Sponsored by Senator LEMONT of York.  
Cosponsored by Representatives: ANDREWS of York, LEWIN of Eliot.

Bill "An Act to Require Signs on Interstate 95 for Chamberlain Freedom Park"

S.P. 75 L.D. 152

Sponsored by Senator YOUNGBLOOD of Penobscot.  
Cosponsored by Representative ROGERS of Brewer, Representative PERRY of Bangor and Senators: DAVIS of Piscataquis, SHOREY of Washington, Representatives: GOODWIN of Pembroke, LEDWIN of Holden, TRAHAN of Waldoboro.

Bill "An Act to Allow a Business to Obtain a Municipal Permit for One Off-premises Business Advertising Sign"

S.P. 78 L.D. 155

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative TARDY of Newport and Senators: BLAIS of Kennebec, SAVAGE of Knox, STANLEY of Penobscot, WOODCOCK of Franklin, Representatives: BOWLES of Sanford, CARR of Lincoln, COLLINS of Wells, GOODWIN of Pembroke.

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

Ordered sent down forthwith for concurrence.

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Bill "An Act To Provide Energy Opportunities to Northern Maine" (EMERGENCY)

S.P. 86 L.D. 163

Sponsored by Senator KNEELAND of Aroostook.  
Cosponsored by Representative YOUNG of Limestone and Senators: BENNETT of Oxford, MARTIN of Aroostook, STANLEY of Penobscot, Representatives: FISCHER of Presque Isle, JACKSON of Fort Kent, LUNDEEN of Mars Hill, SHERMAN of Hodgdon, WOTTON of Littleton.

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

Ordered sent down forthwith for concurrence.

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## ORDERS

### Joint Resolution

On motion by Senator **TREAT**, under unanimous consent on behalf of President DAGGETT of Kennebec (Cosponsored by Speaker COLWELL of Gardiner and Senators: HATCH of Somerset, TREAT of Kennebec, GAGNON of Kennebec, DAVIS of Piscataquis, WOODCOCK of Franklin, Representatives: PINGREE of North Haven, BRUNO of Raymond, RICHARDSON of Brunswick), the following Joint Resolution:

S.P. 32

**JOINT RESOLUTION DECLARING JANUARY 22ND AS  
MAINE RX PROGRAM DAY AND REAFFIRMING  
SUPPORT FOR THE MAINE RX PROGRAM**

WHEREAS, in the year 2000, the 119th Maine Legislature enacted the "Maine Rx Program," as a positive measure to make prescription drugs more affordable for qualified Maine residents, thereby increasing the overall health of Maine residents; and

WHEREAS, the Maine Rx Program was designed to help the people of the State of Maine use existing manufacturer rebates and pharmacy discounts to reduce prescription drug prices; and

WHEREAS, the Maine Rx Program was passed with bipartisan support and greeted with welcome relief by the thousands of needy Maine citizens it would benefit; and

WHEREAS, the costs of prescription drugs have risen at an alarmingly rapid rate and, in the year the Maine Rx Program was passed, Americans spent \$116,000,000,000 on their prescriptions, a figure expected to triple by the year 2010; and

WHEREAS, the Legislature of the people of Maine, in good faith and with the best of intentions, created a program that would help the people who needed it most, and passed a bill that was the first in the nation to allow the negotiation of prescription drug prices through the use of existing discounts and rebates with drug companies; and

WHEREAS, it is estimated that 300,000 residents of the State will benefit from the program at a savings of \$118,000 per day; and

WHEREAS, the prescription drug companies, in a concerted effort to discredit this law and to continue to reap billions of dollars in profits, have brought suit against the State of Maine in the courts to have this law declared void; 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, in a bipartisan gesture of support, proclaim that January 22, 2003, the day oral arguments on this program are due to begin at the Supreme Court of the United States, to be "Maine Rx Program Day" in the State of Maine; and be it further

**RESOLVED:** That We, the Members of the One Hundred and Twenty-first Legislature, reaffirm our support for the Maine Rx Program and most respectfully recommend that the honorable members of the Supreme Court of the United States honor the wishes of the people of the State of Maine and uphold the Maine Rx Program that was passed using the democratic process; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each member of the Maine Congressional Delegation and to each member of the Supreme Court of the United States.

**READ and ADOPTED.**

Ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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Senator **MAYO** of Sagadahoc 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 **TREAT** of Kennebec, **ADJOURNED** to Thursday, January 23, 2003, at 10:00 in the morning.