

# 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  
Thursday  
January 23, 2003

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

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Prayer by Reverend Daniel Coffin, Small Point Baptist Church in  
Phippsburg.

**REVEREND COFFIN:** Let us pray. Our Father, we come together this morning to seek Your guidance as these members conduct the business of our state. We pause before You, as a people, seeking Your wisdom and Your grace as we undertake to represent the people of this great state. We acknowledge our need for the strength to face the choices we must make, for the wisdom to hear all sides of every matter, and then for the grace to make wise choices, resulting in a better today for our state and leading our hope for a brighter tomorrow.

At a time when our nation so longs for peace, securities, and well being for all mankind, help us to remember the tenets of government in sight of the goals we move toward. Focus our thoughts to make the most of the time we give here today.

As we gather from across our state, we ask that You protect our families while we are here, gathered for this purpose. Guide our thoughts and words so that all who hear will hear our clear message. May we empty ourselves for You to fill us with the deepest regard for the responsibilities we undertake, and at the close of this day, help us to go in peace, knowing that we have given our time and energy for worthy objectives.

So we pray, that by Your Spirit's still small voice, You stir our hearts, and make Your presence felt upon us in this very place. May all who hear our causes see harmony and goodwill demonstrated to those gathered and those who watch our interactions. Guide us in leadership, even as we ask for the same guidance for our national leaders in these perilous times. Thank You for raising up men and women who are willing to serve their fellow citizens and bless this day for the good it brings. These things we ask in Your holy name. Amen.

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Doctor of the day, Mark Zajkowski, M.D. of South Portland.

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Reading of the Journal of Tuesday, January 21, 2003.

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Off Record Remarks

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Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Joint Order:  
S.P. 101

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 28, 2003, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Further Define a Strain of Maine Standardbred Horses" (EMERGENCY)

H.P. 94 L.D. 85

Bill "An Act to Require Joint Standing Committee Approval for Certain Purchases Proposed by the Land for Maine's Future Board"

H.P. 101 L.D. 92

Bill "An Act To Limit the Use of State Funds To Purchase Land or Conservation Easements"

H.P. 103 L.D. 94

Bill "An Act To Require the State To Hold Title to All Land and Easements Purchased with the Land for Maine's Future Fund"

H.P. 135 L.D. 176

Bill "An Act to Clarify the Definition of Livestock"

H.P. 140 L.D. 181

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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Bill "An Act To Fund the Matching Requirement for Maine's Successful NASA EPSCoR Award"

H.P. 126 L.D. 167

Bill "An Act to Expand Funding and Services to Students of Limited Proficiency in English"

H.P. 149 L.D. 190

Bill "An Act to Increase Funding for the Maine Dental Education Loan Program"

H.P. 152 L.D. 193

Bill "An Act to Increase the Adult Education State Subsidy by a Specific Percentage"

H.P. 153 L.D. 194

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

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

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Bill "An Act to Allow the Sale of Motorcycles on Sundays"

H.P. 137 L.D. 178

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

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Bill "An Act to Require Disclosure of Retail Prescription Drug Prices"

H.P. 111 L.D. 102

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

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

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Bill "An Act to Further the Productive Use of Land Held by the Department of Corrections"

H.P. 114 L.D. 105

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

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

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Bill "An Act to Establish the Regional County Corrections Construction Authority"

H.P. 112 L.D. 103

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

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Bill "An Act To Allow Volunteer Firefighters To Use Red Flashing Lights when Responding to a Fire"

H.P. 120 L.D. 111

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

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

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

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Bill "An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services"

H.P. 93 L.D. 84

Bill "An Act to Help Public Schools Promote Public Health and Address Childhood Obesity"

H.P. 113 L.D. 104

Bill "An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel"

H.P. 136 L.D. 177

Bill "An Act to Eliminate Discrimination Against Parents Who Want to Send Their Children to Religious Private Schools"

H.P. 141 L.D. 182

Bill "An Act To Facilitate Summer Employment for Youths"

H.P. 154 L.D. 195

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

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

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Bill "An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions"

H.P. 162 L.D. 203

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

Come from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

On motion by Senator **GAGNON** of Kennebec, **TABLED 1** Legislative Day, pending **REFERENCE**.

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Bill "An Act to Require that Pharmacy Benefit Plan Bids be Solicited from Nonprofit Pharmacy Benefit Managers"  
H.P. 97 L.D. 88

Bill "An Act to Prohibit the Use of Juveniles in the Enforcement of the Laws Governing the Sale of Tobacco"  
H.P. 98 L.D. 89

Resolve, Directing the Department of Behavioral and Developmental Services To Establish a Registry for Direct Care Workers Working with Persons with Mental Retardation  
H.P. 104 L.D. 95

Resolve, Regarding the Regulation of Home Day Care and Summer Camps  
H.P. 105 L.D. 96

Bill "An Act Requiring Public Disclosure of Prices Charged by Health Care Providers"  
H.P. 121 L.D. 112

Bill "An Act to Ensure Parity Among Mental Health Professionals Under Medicaid"  
H.P. 134 L.D. 175

Bill "An Act to Establish the Health Care Workforce Center"  
H.P. 160 L.D. 201

Resolve, to Expand Community-based Options for Elderly and Disabled Persons  
H.P. 179 L.D. 220

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

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

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Bill "An Act to Change the Child Protective Laws"  
H.P. 89 L.D. 80

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

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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Bill "An Act to Protect Children from Cancer-causing Chemicals"  
H.P. 158 L.D. 199

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

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

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Bill "An Act To Empower Anglers in Fish Stocking Decisions"  
H.P. 91 L.D. 82

Bill "An Act to Prohibit Personal Watercraft on Rocky Pond in Orland"  
H.P. 107 L.D. 98

Bill "An Act to Enhance Trail Revenue"  
H.P. 122 L.D. 114

Bill "An Act To Encourage Youth Hunters"  
H.P. 139 L.D. 180

Bill "An Act to Allow Residents 70 Years of Age or Older to Hunt Any Deer"  
H.P. 144 L.D. 185

Bill "An Act Requiring Reflective Registration Numbers on Snowmobiles"  
H.P. 155 L.D. 196

Bill "An Act Concerning Public Access to Fish, Game and Wildlife Resources"  
H.P. 176 L.D. 217

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

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

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Resolve, to Provide for the Effective Implementation of Anadromous Fish Restoration on the Upper Kennebec River System  
H.P. 78 L.D. 70

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES**.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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Bill "An Act to Require the Superintendent of Financial Institutions to Adopt Rules Regarding a Conversion of a Field of Membership by a Credit Union"

H.P. 130 L.D. 171

Bill "An Act To Assist Maine's Infertile Citizens"

H.P. 172 L.D. 213

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

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

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Bill "An Act Regarding the Duties of a Personal Representative"

H.P. 102 L.D. 93

Bill "An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary"

H.P. 125 L.D. 166

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

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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Bill "An Act To Expand Unemployment Benefits"

H.P. 92 L.D. 83

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part"

H.P. 110 L.D. 101

Bill "An Act To Improve the Health and Safety of Young Workers"

H.P. 129 L.D. 170

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

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

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Bill "An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices"

H.P. 106 L.D. 97

Bill "An Act to Repeal the Presidential Preference Primary Elections Process" (EMERGENCY)

H.P. 109 L.D. 100

Bill "An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid"

H.P. 145 L.D. 186

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

Bill "An Act to Establish Instant Run-off Voting"

H.P. 171 L.D. 212

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

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

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Bill "An Act to Increase the Minimum Ring Size of Legal Scallops"

H.P. 90 L.D. 81

Bill "An Act Regarding Alewife Harvesting"

H.P. 115 L.D. 106

Bill "An Act to Waive the Apprenticeship Requirement for a Lobster and Crab Fishing License"

H.P. 128 L.D. 169

Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

H.P. 166 L.D. 207

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

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

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Bill "An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land"

H.P. 147 L.D. 188

Resolve, to Direct the Department of Environmental Protection to Create Statewide Standards for Incinerators

H.P. 174 L.D. 215

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

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

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Bill "An Act To Amend the Charter of the Eastport Port Authority"  
H.P. 95 L.D. 86

Resolve, to Create the Department of Fisheries and Wildlife  
H.P. 100 L.D. 91

Bill "An Act to Clarify Rights of Retainage in Public Construction Contracts"  
H.P. 119 L.D. 110

Bill "An Act to Reduce Legislative Salaries and Allowances"  
H.P. 169 L.D. 210

Bill "An Act To Modify the County Budget Procedures for Sagadahoc County"  
H.P. 170 L.D. 211

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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Off Record Remarks

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Bill "An Act To Allow a Municipality To Donate Abandoned Bicycles to a Charitable Organization"  
H.P. 127 L.D. 168

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

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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Bill "An Act to Streamline Utility Consumer Advocacy"  
H.P. 173 L.D. 214

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

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

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Bill "An Act to Repeal the Tax Incentive for Certain Shipbuilding Facilities"  
H.P. 108 L.D. 99

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Municipalities to Limit Property Taxes for Elderly Residents  
H.P. 116 L.D. 107

Bill "An Act to Exempt from Tax State-mandated Fish Passage Facilities"  
H.P. 118 L.D. 109

Bill "An Act to Restructure the Maine Income Tax Law"  
H.P. 133 L.D. 174

Bill "An Act to Restructure the Tax System and Make the Restructured System Subject to Referendum"  
H.P. 138 L.D. 179

Bill "An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans"  
H.P. 143 L.D. 184

Bill "An Act To Fairly Assess Sales Tax on Vehicles"  
H.P. 146 L.D. 187

Bill "An Act to Amend the Definition of 'Commercial Agricultural Production'"  
H.P. 150 L.D. 191

Bill "An Act to Fund the Fund for a Healthy Maine From an Increase in Liquor Taxes"  
H.P. 157 L.D. 198

Bill "An Act To Make Certain Housing an Acceptable Use of Tax Increment Financing"  
H.P. 161 L.D. 202

Bill "An Act To Require That the Excise Tax on Vehicles Be Based on the Purchase Price"  
H.P. 163 L.D. 204

Bill "An Act to Expand the Maine Residents Property Tax Program"  
H.P. 165 L.D. 206

RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property  
H.P. 167 L.D. 208

Bill "An Act to Increase the Tax on All Tobacco Products"  
H.P. 168 L.D. 209

Bill "An Act to Provide an Income Tax Deduction for a Qualified State-sponsored 529 Plan for Higher Education Expenses"  
H.P. 175 L.D. 216

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Stabilize Real Estate Valuation and Protect Ancestral Homes

H.P. 177 L.D. 218

Bill "An Act to Expand the Maine Residents Property Tax Program, the so-called 'Circuit Breaker Program'"

H.P. 178 L.D. 219

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

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

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RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Transportation Revenues to Fund a Flexible and Modern Transportation Policy

H.P. 117 L.D. 108

Bill "An Act to Transfer State Ownership of Certain Railroad Rights-of-way and Create the Calais to Eastport Rail Authority"

H.P. 124 L.D. 113

Bill "An Act To Improve Safety on the Maine Turnpike"

H.P. 131 L.D. 172

Bill "An Act To Amend the Law Governing the Use of Seat Belts"

H.P. 148 L.D. 189

Bill "An Act to Prohibit the Use of a Handheld Cellular Telephone While Driving"

H.P. 151 L.D. 192

Bill "An Act to Require Flashing Lights for Private Snow Plows"

H.P. 156 L.D. 197

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Funding of Public Transportation from Motor Vehicle and Motor Vehicle Fuel Revenues

H.P. 164 L.D. 205

Bill "An Act to Amend the Method of Establishing Evidence of Insurance"

H.P. 180 L.D. 221

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

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

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Bill "An Act to Ensure That all State Residential and Commercial Customers are Able to Purchase Electricity Through the Competitive Market"

H.P. 96 L.D. 87

Bill "An Act to Create Broadband Internet Access in Rural Areas of the State"

H.P. 99 L.D. 90

Bill "An Act To Ensure Lower Electricity Costs in Maine"

H.P. 142 L.D. 183

Bill "An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission"

H.P. 181 L.D. 222

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

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

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**Pursuant to Statutes  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission"

H.P. 182 L.D. 223

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statutes  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission"

H.P. 183 L.D. 224

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.



Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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Off Record Remarks

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**SENATE PAPERS**

Bill "An Act to Stimulate Small Business Development and Job Creation among Women and Rural Entrepreneurs through Training and Technical Support"

S.P. 98 L.D. 264

Sponsored by Senator EDMONDS of Cumberland.  
Cosponsored by Representative NORTON of Bangor and  
Representatives: HATCH of Skowhegan, HUTTON of  
Bowdoinham, JACKSON of Fort Kent, PATRICK of Rumford,  
SMITH of Van Buren, WATSON of Bath.

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 Define a Scope of Practice for Acupuncture"  
S.P. 97 L.D. 263

Sponsored by Senator BROMLEY of Cumberland.  
Cosponsored by Representative DUDLEY of Portland and  
Senators: MARTIN of Aroostook, MAYO of Sagadahoc,  
Representatives: FAIRCLOTH of Bangor, PINGREE of North  
Haven, SULLIVAN of Biddeford, THOMAS of Orono.

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

Sent down for concurrence.

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Bill "An Act Concerning Restructuring of School Districts"  
S.P. 89 L.D. 230

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

Bill "An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School"

S.P. 96 L.D. 262

Sponsored by Senator MITCHELL of Penobscot.  
Cosponsored by Representative CUMMINGS of Portland and  
Senators: BENNETT of Oxford, DAVIS of Piscataquis,  
DOUGLASS of Androscoggin, Representatives: FINCH of  
Fairfield, LEDWIN of Holden, MILLS of Cornville, MURPHY of  
Kennebunk, NORTON of Bangor.

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

Sent down for concurrence.

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Bill "An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections"  
S.P. 91 L.D. 232

Sponsored by Senator HALL of Lincoln.  
Cosponsored by Representative EARLE of Damariscotta and  
Senators: President DAGGETT of Kennebec, DAMON of  
Hancock, TREAT of Kennebec, Representative: Speaker  
COLWELL of Gardiner.

Bill "An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee"

S.P. 94 L.D. 260

Sponsored by Senator SAWYER of Penobscot.  
Cosponsored by Representative FAIRCLOTH of Bangor and  
Representative: PERRY of Bangor.

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

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property"

S.P. 93 L.D. 259

Sponsored by Senator BROMLEY of Cumberland.  
Cosponsored by Representative BLISS of South Portland and  
Senators: EDMONDS of Cumberland, ROTUNDO of  
Androscoggin, Representative: BARSTOW of Gorham.

Bill "An Act To Require Disclosure Statements Regarding Proration of Property Taxes When Real Estate is Sold"

S.P. 95 L.D. 261

Sponsored by Senator KNEELAND of Aroostook.  
Cosponsored by Representative FISCHER of Presque Isle and  
Representative: WOTTON of Littleton.

Bill "An Act To Provide Meaningful Property Tax Relief"

S.P. 100 L.D. 266

Sponsored by Senator BROMLEY of Cumberland.  
Cosponsored by Representative BLISS of South Portland and  
Senators: DAMON of Hancock, EDMONDS of Cumberland,  
LEMONT of York, STRIMLING of Cumberland, Representative:  
SUSLOVIC of Portland.

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

Sent down for concurrence.

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Bill "An Act To Strengthen Delivery of Electricity Conservation Programs"

S.P. 90 L.D. 231

Sponsored by Senator HALL of Lincoln.

Bill "An Act To Promote Energy Conservation"

S.P. 92 L.D. 233

Sponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine" (EMERGENCY)

S.P. 99 L.D. 265

Sponsored by Senator HALL of Lincoln.  
Cosponsored by Representative GROSE of Woolwich and  
Senators: DAMON of Hancock, GAGNON of Kennebec, MAYO of  
Sagadahoc, Representatives: BERRY of Belmont, DUDLEY of  
Portland, FAIRCLOTH of Bangor, MARLEY of Portland,  
PATRICK of Rumford.

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

Sent down for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

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**RECESSED** until the sound of the bell.

After Recess

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:

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act To Promote Planning To Protect the State's Waters"  
H.P. 200 L.D. 245

Bill "An Act To Amend the Laws Governing the Weighing of Wood"

H.P. 203 L.D. 248

Come from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

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Bill "An Act to Amend the Energy Resources Council Membership"

H.P. 193 L.D. 238

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

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Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 To Provide Maine's 7 Technical Colleges with Essential Facilities Improvements and Classroom Equipment"

H.P. 187 L.D. 228

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

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

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

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act To Amend the Requirements for a Journeyman Oil Burner Technician License"

H.P. 184 L.D. 225

Bill "An Act to Enact the Uniform Athlete Agents Act"

H.P. 188 L.D. 229

Bill "An Act Regarding Social Worker and Human Service Provider Licensure" (EMERGENCY)

H.P. 213 L.D. 258

Come from the House, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

Bill "An Act to Aid Law Enforcement in Complying with Maine's Freedom of Access Laws"

H.P. 204 L.D. 249

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 Papers**

Resolve, to Exempt Bona Fide Education Trust Funds from Family Income for Purposes of Determining Benefits from the Department of Human Services

H.P. 185 L.D. 226

Bill "An Act to Ban Smoking in Beano and Bingo Halls"

H.P. 186 L.D. 227

Bill "An Act to Elevate the Standards of Foster Parenting in the State"

H.P. 194 L.D. 239

Resolve, To Require Electronic Transmission of Prior Authorization Requests in the MaineCare Program

H.P. 196 L.D. 241

Bill "An Act To Require Full Disclosure of Prescription Drug Marketing Costs"

H.P. 209 L.D. 254

Bill "An Act To Honor the Intent of Organ Donors"

H.P. 212 L.D. 257

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

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

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

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act To Clarify the Animal Nuisance Statutes"

H.P. 191 L.D. 236

Bill "An Act To Prohibit Coyote Snaring and Eliminate the Coyote Snaring Program"

H.P. 192 L.D. 237

Bill "An Act Regarding the Use of Hunter Orange Clothing, Assisted Hunting, Baiting and the Possession of Gift Animals"

H.P. 208 L.D. 253

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

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

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Bill "An Act To Increase the Value of Real and Personal Property Exempt from Attachment"

H.P. 202 L.D. 247

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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Bill "An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce"

H.P. 195 L.D. 240

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

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

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

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act to Change the Name of the Maine Clean Election Act to the 'Publicly Funded Election Act'"

H.P. 198 L.D. 243

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

Bill "An Act To Require the Consideration of the Cumulative Effect on Protected Natural Resources When Permitting Activities"

H.P. 197 L.D. 242

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

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

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Bill "An Act to Require that Agency Rules be Reviewed by the Legislature"

H.P. 207 L.D. 252

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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

#### **PAPERS FROM THE HOUSE**

##### **House Papers**

Bill "An Act To Promote and Facilitate Personal Retirement Saving in Maine"

H.P. 201 L.D. 246

Bill "An Act Concerning Tax-acquired Property"

H.P. 206 L.D. 251

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

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

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Resolve, Directing the Department of Transportation To Conduct a Feasibility Study as Required by the Federal Government To Increase the Weight Limits on Interstate 95 from Augusta to Houlton, Making the Weight Limits Equivalent to Restrictions South of Augusta

H.P. 199 L.D. 244

Bill "An Act to Establish the Avon-Phillips Airport Authority"

H.P. 205 L.D. 250

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

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

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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 Control Internet 'Spam'"

H.P. 210 L.D. 255

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

On motion by Senator **HALL** of Lincoln, **TABLED** Unassigned, pending **REFERENCE**.

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

**PAPERS FROM THE HOUSE**

**House Papers**

**Pursuant to Statutes  
Family Law Advisory Commission**

The **Family Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2 asked leave to report that the accompanying Bill "An Act To Create a Uniform Approach to the Determination of Child Support When Parents Provide Substantially Equal Care for Children"

H.P. 189 L.D. 234

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statutes  
Family Law Advisory Commission**

The **Family Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 19-A, section 354 asked leave to report that the accompanying Bill "An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered"

H.P. 190 L.D. 235

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**ORDERS OF THE DAY**

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

Bill "An Act To Allow Volunteer Firefighters To Use Red Flashing Lights when Responding to a Fire"

H.P. 120 L.D. 111

Tabled - January 23, 2003, by Senator **HATCH** of Somerset

Pending - **REFERENCE**

(Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.)

(In House, January 21, 2003, **REFERRED** to the Committee on **TRANSPORTATION**.)

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

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 28, 2003, at 10:00 in the morning.