

MAINE STATE LEGISLATURE

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One Hundred and Twenty-First Legislature
State of Maine

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

In Senate Chamber
Tuesday
February 4, 2003

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

Prayer by Deacon Dennis Mailhot, St. Paul's Center in Augusta.

DEACON MAILHOT: Let us pray. Lord, God, creator of all, we gather today, seeking Your guidance, while doing the very best we are able to accomplish, in serving those we represent throughout the great state of Maine. May we take the time to listen wisely, hear attentively, and to carefully consider all sides of the issues we face. May we always keep in mind those among us that are in the greatest need of our help. We pray, too, that we also take the time to reflect carefully before we speak, respond, or decide. We ask for Your blessing on all who enter into these chambers so that we may work in a manner of collaboration, commitment, and professionalism, knowing that everything we do is for the betterment of all creation. We ask this in Your name, Lord, God. Amen.

Pledge of Allegiance led by Senator Kenneth Blais of Kennebec County.

Doctor of the day, Julie Pease, M.D. of Brunswick.

Reading of the Journal of Thursday, January 30, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

H.P. 284 L.D. 364

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

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

Bill "An Act to Authorize a General Fund Bond Issue to Enable Low-income and Moderate-income Families to Conserve Energy in Their Homes"

H.P. 123 L.D. 115

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

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

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

COMMUNICATIONS

The Following Communication: S.P. 153

STATE OF MAINE
121ST LEGISLATURE

January 30, 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
121st Legislature
Augusta, ME 04333

Dear Senator Bryant and Representative McKee:

Please be advised that Governor John E. Baldacci has nominated Robert W. Spear of Nobleboro as Commissioner of the Department of Agriculture, Food and Rural Resources.

Pursuant to Title 7, M.R.S.A. §1, 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**.

Sent down for concurrence.

The Following Communication: S.C. 31

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

February 3, 2003

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Patrick McGowan of York, for appointment as the Commissioner of the Department of Conservation.

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

YEAS	Senators	3	Bryant of Oxford, Kneeland of Aroostook, Youngblood of Penobscot
	Representatives	9	McKee of Wayne, Carr of Lincoln, Churchill of Orland, Eder of Portland, Fletcher of Winslow, Honey of Boothbay, Pineau of Jay, Piotti of Unity, Smith of Monmouth

NAYS 0

ABSENT 1 Rep. Lundeen of Mars Hill

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Patrick McGowan of York, for appointment as the Commissioner of the Department of Conservation be confirmed.

Signed,

S/Bruce Bryant
Senate Chair

S/Linda Rogers McKee
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#12)

YEAS: Senators: None

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

ABSENT: Senators: SAWYER, SHOREY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Patrick McGowan** of York, for appointment as the Commissioner of the Department of Conservation was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 32

**121ST LEGISLATURE
JOINT STANDING COMMITTEE ON
INSURANCE AND FINANCIAL SERVICES**

February 3, 2003

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121st Maine Legislature, the Joint Standing Committee on Insurance and Financial Services has had under consideration the nomination of Robert Murray of Bangor, for appointment as

the Commissioner of the Department of Professional and Financial Regulation.

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

YEAS	Senators	2	LaFountain of York, Mayo of Sagadahoc
	Representatives	9	O'Neil of Saco, Breault of Buxton, Canavan of Waterville, Glynn of South Portland, Perry of Bangor, Perry of Calais, Snowe-Mello of Poland, Woodbury of Yarmouth, Young of Limestone
NAYS		0	
ABSENT		2	Sen. Douglass of Androscoggin, Rep. Vaughan of Durham

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert Murray of Bangor, for appointment as the Commissioner of the Department of Professional and Financial Regulation be confirmed.

Signed,

S/Lloyd P. LaFountain III
Senate Chair

S/Christopher P. O'Neil
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INSURANCE AND FINANCIAL SERVICES** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#13)

YEAS:	Senators:	None
NAYS:	Senators:	BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, STANLEY, STRIMLING, TREAT,

TURNER, WESTON, WOODCOCK,
YOUNGBLOOD, THE PRESIDENT - BEVERLY C.
DAGGETT

ABSENT: Senators: SAWYER, SHOREY

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert Murray** of Bangor, for appointment as the Commissioner of the Department of Professional and Financial Regulation was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 29

HEALTH CARE SYSTEM AND HEALTH SECURITY BOARD

January 29, 2003

The Honorable Beverly C. Daggett, President
The Honorable Patrick Colwell, Speaker
121st Maine Legislature
State House
Augusta, ME 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Health Care System and Health Security Board has submitted the attached preliminary report to the Legislative Council pursuant Public Law 2001, chapter 439, Part ZZZ. Copies of the report have been placed on file with the Law and Legislative Reference Library. Copies will be transmitted to the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Senator John L. Martin, Senate Chair

S/Representative Paul Volenik, House Chair

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

The Following Communication: S.C. 30

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

January 31, 2003

The Honorable Beverly C. Daggett, President
The Honorable Patrick Colwell, Speaker
121st Maine Legislature
State House, Augusta, ME 04333

Re: Petroleum Market Share Act/Annual Report to the
Legislature

Dear President Daggett and Speaker Colwell:

Enclosed, in accordance with the provisions of 10 M.R.S.A.
§1677, is the Attorney General's Annual Report to the Legislature
concerning levels of concentration in Maine's retail petroleum
markets.

Thank you for your consideration of these materials; please do
not hesitate to call if you should have any questions in this regard.

Sincerely,

S/Francis Ackerman
Assistant Attorney General

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Increase Educational Certification for Humane
Agents and Animal Control Officers" S.P. 149 L.D. 431

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senator: MAYO of Sagadahoc, Representative:
PERRY of Bangor.

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

Sent down for concurrence.

Bill "An Act to Enhance Services for the Blind"
S.P. 157 L.D. 438

Sponsored by Senator GILMAN of Cumberland.
Cosponsored by Representative DUPLESSIE of Westbrook and
Representatives: BARSTOW of Gorham, CROSTHWAITE of
Ellsworth.

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

Sent down for concurrence.

Bill "An Act To Clarify That the Maine Juvenile Code Does Not
Preclude Sharing Information with School Administrators for
Purposes of School Safety, Order and Discipline"
S.P. 145 L.D. 427

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative SYKES of Harrison and
Senators: CARPENTER of York, GILMAN of Cumberland,
ROTUNDO of Androscoggin, YOUNGBLOOD of Penobscot,
Representatives: DUNLAP of Old Town, THOMAS of Orono.

Bill "An Act To Amend the Law Regarding Revocation of
Probation"
S.P. 167 L.D. 495

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative O'NEIL of Saco and Senator:
MAYO of Sagadahoc, Representatives: PERRY of Bangor,
SNOWE-MELLO of Poland, YOUNG of Limestone.

Bill "An Act To Amend the Period of Probation for Class D
Crimes"
S.P. 168 L.D. 496

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative O'NEIL of Saco and Senator:
MAYO of Sagadahoc, Representatives: PERRY of Bangor,
SNOWE-MELLO of Poland, YOUNG of Limestone.

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

Sent down for concurrence.

Resolve, Directing the President of Each University Campus To
Meet With Local Municipal Officers To Negotiate Reasonable and
Appropriate Financial Support for Municipal Services Provided
S.P. 161 L.D. 442

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Representative WOTTON of Littleton and
Senator: CARPENTER of York, Representatives: CHURCHILL of
Washburn, SHERMAN of Hodgdon.

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

Sent down for concurrence.

Resolve, To Increase Allowance Levels for Nursing Home Residents

S.P. 147 L.D. 429

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative CRAVEN of Lewiston and Senators: DOUGLASS of Androscoggin, HALL of Lincoln, PENDLETON of Cumberland, SAVAGE of Knox, STRIMLING of Cumberland, Representatives: MAKAS of Lewiston, O'BRIEN of Augusta, WALCOTT of Lewiston.

Bill "An Act To Amend the Maine Health Data Organization Laws"
S.P. 150 L.D. 432

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative SULLIVAN of Biddeford and Senators: BLAIS of Kennebec, LaFOUNTAIN of York, MARTIN of Aroostook, WESTON of Waldo, Representatives: BRUNO of Raymond, DUGAY of Cherryfield, O'NEIL of Saco.

Resolve, To Provide Equitable Services to Persons with Congenital Brain Anomalies

S.P. 158 L.D. 439

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Senators: BRENNAN of Cumberland, MARTIN of Aroostook, Representatives: DUNLAP of Old Town, THOMAS of Orono.

Resolve, To Provide Equitable Treatment of Graduate Students
S.P. 159 L.D. 440

Sponsored by Senator CATHCART of Penobscot.
Cosponsored by Representative DUNLAP of Old Town and Senators: BRENNAN of Cumberland, MARTIN of Aroostook, Representative: THOMAS of Orono.

Resolve, To Maintain Flexibility and Safety in Caring for People with Severe and Persistent Mental Illness (EMERGENCY)
S.P. 165 L.D. 480

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representative O'BRIEN of Augusta and Senators: MARTIN of Aroostook, MAYO of Sagadahoc, Representatives: COWGER of Hallowell, CRAVEN of Lewiston, LAVERRIERE-BOUCHER of Biddeford, LERMAN of Augusta, MOODY of Manchester.

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

Sent down for concurrence.

Bill "An Act To Eliminate the Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care"

S.P. 146 L.D. 428

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative O'NEIL of Saco and Senator: MAYO of Sagadahoc, Representatives: GLYNN of South Portland, PERRY of Bangor.

Bill "An Act To Amend the Patient's Bill of Rights Laws"
S.P. 152 L.D. 434

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative O'NEIL of Saco and Senator: MAYO of Sagadahoc, Representatives: GLYNN of South Portland, PERRY of Bangor.

Bill "An Act To Restrict the Cancellation of Health Insurance Coverage During an Enrollee's Period of Incarceration"
S.P. 154 L.D. 435

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Senator: SHOREY of Washington, Representatives: CHURCHILL of Washburn, FISCHER of Presque Isle, LUNDEEN of Mars Hill, SHERMAN of Hodgdon, WOTTON of Littleton.

Resolve, To Study the Feasibility and Effectiveness of Providing Consumers with Consumer Reports on Health Care Services (EMERGENCY)

S.P. 169 L.D. 497

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

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

Sent down for concurrence.

Bill "An Act To Allow Certain Persons Representing Business Entities To Appear in Court in Forcible Entry and Detainer Cases"
S.P. 143 L.D. 407

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Senator: WOODCOCK of Franklin.

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

Sent down for concurrence.

Bill "An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees"

S.P. 151 L.D. 433

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative COWGER of Hallowell,
Representative CLARK of Millinocket and Senators: BLAIS of
Kennebec, DAVIS of Piscataquis, WOODCOCK of Franklin,
Representatives: McNEIL of Rockland, MOORE of Standish,
O'NEIL of Saco, SAVIELLO of Wilton, THOMAS of Orono.

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 List Agriculture as a Designated Use in Water
Quality Standards"

S.P. 162 L.D. 443

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Representative WOTTON of Littleton and
Senators: BRYANT of Oxford, WESTON of Waldo,
Representatives: CHURCHILL of Washburn, FISCHER of
Presque Isle, JACKSON of Fort Kent, LUNDEEN of Mars Hill,
SHERMAN of Hodgdon.

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

Sent down for concurrence.

Bill "An Act To Create a Minimal Excise Tax for Farm Trucks"

S.P. 155 L.D. 436

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Representative WOTTON of Littleton and
Senators: BRYANT of Oxford, WESTON of Waldo,
YOUNGBLOOD of Penobscot, Representatives: CHURCHILL of
Washburn, JACKSON of Fort Kent, LUNDEEN of Mars Hill,
SHERMAN of Hodgdon.

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

Sent down for concurrence.

Off Record Remarks

Resolve, To Designate Route 201 as Part of the East-West
Highway

S.P. 144 L.D. 406

Sponsored by Senator HATCH of Somerset.

Bill "An Act To Clarify Ownership Rights to Repossessed
Vehicles"

S.P. 148 L.D. 430

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative USHER of Westbrook and
Senators: BLAIS of Kennebec, PENDLETON of Cumberland,
SAVAGE of Knox, YOUNGBLOOD of Penobscot,
Representatives: GERZOFKY of Brunswick, O'NEIL of Saco,
SAMPSON of Auburn, SUSLOVIC of Portland.

Bill "An Act To Encourage the Development and Use of
Domestically Produced Renewable Motor Vehicle Fuels"

S.P. 160 L.D. 441

Sponsored by Senator KNEELAND of Aroostook.
Cosponsored by Senators: BRYANT of Oxford, CARPENTER of
York, SHOREY of Washington, WESTON of Waldo,
YOUNGBLOOD of Penobscot, Representatives: CHURCHILL of
Washburn, WOTTON of Littleton.

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

Sent down for concurrence.

Bill "An Act To Ensure Opportunity for Public Comment at
Meetings of Sanitary Districts"

S.P. 156 L.D. 437

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative DAIGLE of Arundel.

Bill "An Act To Revise the Funding Formula for the Public Utilities
Commission and the Public Advocate"

S.P. 166 L.D. 479

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and
Senators: GAGNON of Kennebec, HALL of Lincoln,
Representatives: FLETCHER of Winslow, GOODWIN of
Pembroke, LERMAN of Augusta, McKEE of Wayne, O'BRIEN of
Augusta, RICHARDSON of Skowhegan.

Bill "An Act To Preserve Competition in the Long-distance
Telephone Market"

S.P. 164 L.D. 481

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representative BLISS of South Portland and
Senators: GAGNON of Kennebec, HALL of Lincoln, STRIMLING
of Cumberland, Representatives: COWGER of Hallowell,
GOODWIN of Pembroke.

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

Sent down for concurrence.

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

ORDERS

Joint Resolutions

On motion by Senator **STRIMLING** of Cumberland (Under suspension of the rules, cosponsored by Representative **RICHARDSON** of Brunswick and Senators: **BRENNAN** of Cumberland, **BROMLEY** of Cumberland, **BRYANT** of Oxford, **CATHCART** of Penobscot, President **DAGGETT** of Kennebec, **DAMON** of Hancock, **DOUGLASS** of Androscoggin, **EDMONDS** of Cumberland, **GAGNON** of Kennebec, **HALL** of Lincoln, **HATCH** of Somerset, **LaFOUNTAIN** of York, **MARTIN** of Aroostook, **PENDLETON** of Cumberland, **ROTUNDO** of Androscoggin, **STANLEY** of Penobscot, **TREAT** of Kennebec, Representatives: **BULL** of Freeport, **CANAVAN** of Waterville, Speaker **COLWELL** of Gardiner, **COWGER** of Hallowell, **CUMMINGS** of Portland, **DUDLEY** of Portland, **DUPLESSIE** of Westbrook, **EDER** of Portland, **GOODWIN** of Pembroke, **KOFFMAN** of Bar Harbor, **McKEE** of Wayne, **NORBERT** of Portland, **O'BRIEN** of Lewiston, **PERRY** of Calais, **SIMPSON** of Auburn, **SMITH** of Monmouth, **THOMPSON** of China, **TWOMEY** of Biddeford, **WOODBURY** of Yarmouth), the following Joint Resolution:

S.P. 163

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FULL PURSUIT OF DIPLOMATIC RESOLUTIONS AND WEAPONS INSPECTIONS

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, as follows:

WHEREAS, there is an urgent need for genuine multilateral action to eliminate weapons of mass destruction worldwide; and

WHEREAS, most governments around the world oppose unilateral action regarding Iraq and support the full pursuit of diplomatic resolutions and weapons inspections before any further military action is taken against Iraq; and

WHEREAS, a war with Iraq will jeopardize the lives of American soldiers and will kill many innocent Iraqi civilians who have already suffered enormously under Saddam Hussein's rule and sanctions of the United Nations; and

WHEREAS, a United States military attack on Iraq threatens the stability of the Middle East region; and

WHEREAS, military action will likely result in a long-term United States military presence; and

WHEREAS, conflict in the area may result in the widespread destruction of the environment and the civilian infrastructure of Iraq; and

WHEREAS, military expenditures will cause ballooning federal budget deficits, further weakening an already sluggish economy and ensuring reductions in federal aid to the State; and

WHEREAS, the State of Maine is suffering from a fiscal crisis such that its ability to stabilize the taxes of the people of the State is being threatened, and programs that benefit working people and the poor are being threatened by severe budget cuts; and

WHEREAS, it has been estimated that a war in Iraq would likely cost the United States taxpayers over \$100 billion which would include \$267,000,000 from Maine taxpayers, an amount that could go a long way to meeting our health and education needs; and

WHEREAS, if the country does go to war, this resolution should in no way be interpreted as not supporting our troops, and We, your Memorialists, stand in full and unwavering support of our brave men and women of the Armed Forces whenever they are called into action; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States support the full pursuit of diplomatic resolutions and weapons inspections; 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, and to each Member of the Maine Congressional Delegation and the Governor of the State of Maine.

READ.

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

Senator **STRIMLING:** Madame President, thank you. I wish to speak today in support of the resolution put forth. I am truly sorry that we have to have this conversation today and I'm truly sorry that we have to put it forward.

Today we are voting on a resolution stating our opposition to an invasion of Iraq without clear, convincing evidence that Saddam Hussein has weapons of mass destruction, without clear, convincing evidence that Iraq poses an imminent threat to the United States, without clear, convincing evidence that an invasion is the only option that we have left, and without the support of our allies in the United Nations. We feel that it is important for the Maine Legislature to send a strong message to President Bush that the important issues facing our state, and indeed our country, are being ignored in the haste to declare war.

I move that this motion be passed and I wish to speak further on its behalf.

THE PRESIDENT: The Senator may continue.

Senator **STRIMLING**: Madame Chair, I admit that I am no foreign policy expert on the Middle East, nor am I a veteran of a war who can speak of its horrors, nor am I a philosopher on non-violence who can come up with an alternative solution and come to a higher calling. I am merely a Maine Legislator. Indeed, all of us sitting in these chairs are Maine Legislators, and what we do know as Maine Legislators is that we know the people of this great state. We know that they are struggling, month by month, to pay their bills. That is why we present this resolution, because our concern lies here in Maine.

Our concern lies with the workers up in Millinocket who face a much more immediate threat than Saddam Hussein. They need their mill reopened and they need it reopened today. We're here because we are concerned about Maine and the dairy farmers in Clinton who face a much greater threat, a much more immediate threat, than Saddam Hussein. They need the prices of their milk to stop spiraling. They need it to happen today. We're here because property tax payers across the state don't have enough money for their schools and they see their bills going through the roof. Unfortunately, sadly, we open the paper this morning and see that L.L. Bean is laying off 200 to 300 more people. We're here today because the economic situation in Maine needs our attention and it needs it now. This war will detract from that.

You may ask, when we're talking about war and Saddam and weapons of mass destruction and invasion, why are we talking about the economy? We're talking about the economy because this war will cost upwards of \$200 billion, according to the estimates coming out of the White House. We know that \$500 million of that will come from this state. Why is it that we have enough money to be able to bomb factories in Iraq but we don't have enough money to be able to reopen our factories here at home? Why is it that we have enough money to retire Saddam Hussein but we don't have enough money to pay for the prescription drugs of our retirees? This is an economic question as much as a moral question. We have a \$1 billion deficit that we are facing. When this war, if this war goes forward, will have economic consequences, a ripple effect across the country. We're here today because we don't want to be swept up in the tidal wave.

I conclude by reading one piece of the resolution. The final whereas. There has been a lot of conversation about supporting the troops or not supporting the troops. I have heard from numerous veterans who support this. I just want to read, for the record, to make sure it is clear. 'WHEREAS, if the country does go to war, this resolution should in no way be interpreted as not supporting our troops, and We, your Memorialists, stand in full and unwavering support of our brave men and women of the Armed Forces whenever they are called into action.' In no way does this resolution not support our troops. In fact, it is the strongest way we can say 'please do not send them into war.' Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Woodcock.

Senator **WOODCOCK**: Thank you, Madame President, ladies and gentlemen of the Senate. I had prepared some rather passionate responses for the good Senator from Cumberland, Senator Strimling's, remarks but the events of the weekend have

tempered my passion a bit, so I'll be a little less passionate today than I have been for the last few days.

I will begin by saying that I miss the 1960's. I'm a baby boomer, as are many of you in this room, and protest was a thing in fashion at that time. Today we're absent of bellbottomed jeans and picket signs. But I have the same sensation that I had when I was a high school student back in the 1960's; that once again we're beginning to intervene in a process. Rightfully so as an individual citizen of this country, not as rightfully so as a legislative body. This issue, for me, is perhaps a bit more deeply personal, having been a veteran of a foreign war. But I know also that this is a situation that is a global concern for us all. It is not, in my opinion, however, a concern of this legislative body. I would openly state to anyone in this hallowed chamber, and anyone listening or viewing today, that I am in opposition to a war in Iraq, until the moment arrives when the President of the United States decides that we need to protect our interests, and calls our military to action.

This should not be a partisan issue. I'm hoping that it will not be a partisan issue. This is a deeply personal issue for us all. I would quote the most recent former President of the United States, 'when our vital interests are challenged, or the will and conscience of the international community defied, we will act with peaceful diplomacy whenever possible, with force if necessary.' I know I speak for everyone in this chamber, Republicans and Democrats, when I say to Saddam Hussein, 'you cannot defy the will of the world.' When I say to him, 'you have used weapons of mass destruction before, we are determined to deny you the capacity to use them again.'

Today we have a President in office from the other side of the aisle. Now come the protests and the resolutions. I'm curious, when back in 1998 and as far back as 1993, where were the resolutions? Where were the protests? This, for this legislative body, is not, and must not be, a partisan issue. Make it as personal as you chose - no one will ever deny you that right. I urge you to oppose this resolution because, as a Body, we represent every citizen of the State of Maine, and every citizen does not agree with this resolution. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Douglass.

Senator **DOUGLASS**: Madame President, men and women of the Senate, I rise simply to say that today we take an action that does call on our President to rethink some of the rhetoric that he has engaged in recently. I do this with full support for those who are already over in the Middle East. Among them are some of my constituents: the son of Russ and Christine Jabout of Durham, my son's personal friend Tien Chen of Auburn, Matt Cote who is a friend of my other son, as well as many others.

I think it is particularly important that I put on the record that with this action I am making a political statement, calling on the President to rethink his actions and look for further support from the rest of the world. At the same time, I express a very determined and full support of those members of our military who have already been called to that arena. It is my prayer that, as Tien said to me over Christmas before he left, that we will stand by to stand by. I hope we let the diplomatic process work, the process where we engage other members of the world community rather than going this alone. Thank you very much.

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

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

Senator **BLAIS:** Madame President, thank you and greetings to my fellow members of the Senate. I stand before you today as a Senator who has a brother in the armed forces, who also has a 3 1/2 year old child in the audience today, watching these proceedings. On its face, the resolution before us memorializes sentiments shared by us all; that military conflict is a terrible thing that should be undertaken only as a last resort, and with the most careful consideration.

I believe, as a husband and father, our President understands that as profoundly as anyone in this room. But our President has a unique role in our government. As Commander and Chief, he has the constitutional responsibility to provide for the defense and protection of the people of this country, all of the people. That responsibility requires diplomacy. But it also, sometimes, requires tough talk. It requires hard decisions. Yes, sometimes it requires military action.

As Commander and Chief, the President calls upon all the intelligence gathering capacity of our great nation to help him make the difficult decisions the President must make. Much of our intelligence is gathered from people whose lives could be endangered if the information was made public. The American people know this and we have trust in our President that he will use this information wisely.

The resolution before us warns that military action threatens stability in the Middle East. Yet the potential target of such action, Saddam Hussein, has created instability in that region continuously since he seized power in the late 1970's. He waged an 8-year war with his neighbor, Iran, in which millions died and many millions more were made refugees. Less than 2 years later, in 1990, he invaded Kuwait. Saddam Hussein's rejection of diplomatic efforts to solve that crisis lead to the decision to restore Kuwait's sovereignty by military force. Add to these wars the ongoing brutal murder of hundreds of thousands of Iraqi citizens who have attempted to challenge the regime.

A year and a half ago, our nation was brutally attacked by terrorists who hid themselves behind dictatorial regimes, such as that of Saddam Hussein. Last fall, after bringing down one such regime and freeing an entire country from unbearable oppression, our President told us that the time had come to confront fully and finally another gathering threat in our war on terror. He asked for, and received, full support from the United States Congress to launch a military attack on Iraq, if he deemed necessary. The vote in the House was 296 to 133. The vote in the Senate was 77 to 23. The United States Congress understands that in order for diplomacy to be effective, the credible possibility of the use of force must also be at the disposal of our President. I would hope that the Maine Senate also understands this.

With the resolution before us, a memorial offering our support for our Commander and Chief in making the difficult decisions that he must make, I do not think there would be any need to debate this matter. However, this resolution has a far different purpose, one that has been revealed in the statements of those who have offered it. I am saddened by attempts to link our national security with Federal aid to this state and by the naivety of those who would surrender U.S. foreign policy to the self

interest of other nations. More over, I strongly reject this attempt to place the state of Maine in a position to be used by enemies of this country to undermine the foreign policy of the United States.

Last Friday, 9 European nations published an open letter backing the U.S. position on Iraq. Based on my mail, my e-mail, and phone calls, this resolution, as written, does not represent the intentions of a majority of the people in my district. Judging from what I read in the paper this morning, it does not represent the intentions of the people of Maine. It certainly does not represent the intentions of a majority of the American people and it does not represent the intentions of the United States Congress. This is not a resolution that I will support. I urge my fellow Senators to reject it. Thank you very much, Madame President.

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

Senator **EDMONDS:** Thank you, Madame President, men and women of the Senate. I won't take up too much of your time; I know everyone has probably got their mind made up. Recalling the last session where we debated another contentious issue called Workers' Compensation, I must let you know that I have received more e-mails in support of this resolution than I received in the totality of the debate about Workers' Compensation. I urge you to support it. Thank you.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. As legislators, we have the capacity and the responsibility to give voice to ordinary citizens who ask that their voices be heard. I share the sentiments of the Senator from Franklin, Senator Woodcock, in his belief that this issue is not a partisan issue. I will be supporting this resolution that asks, simply, that before we commit the men and women of our military to an invasion of a foreign country that we 'support the full pursuit of diplomatic resolutions and weapons inspection.'

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Madame President. It is with reluctance that I rise today to discuss this matter, but several of the comments that have come before, cause me to do so. I think there are some implications within this resolution, and within the arguments made for it, which need to be addressed.

One is that voices are not heard in Washington. We have as much a conduit of communication to Congressman Allen, Congressman Michaud, Senator Snowe, and Senator Collins as our citizens have to us here today. I too, have received a lot of communications on this matter. I've heard from people in favor of this resolution and I've heard from people opposed to this resolution in roughly equal numbers.

There seems to be some confusion on both sides about what this resolution is. In fact, I haven't actually had this text available to me until yesterday evening, when I had it faxed to me and I had a chance to read it. The text of this resolution disturbs me a lot; it implies that our President is not committed to diplomacy. President Bush and the Presidents before him have been working diplomatically on Iraq for years and years. They have been working actively with the United Nations, and other states in order

to achieve a diplomatic solution to the threats posed by the Iraqi regime. They continue to do that. This resolution implies that the current President has abandoned that. I know, from everything that is being done and said, that he has not. Also the President has stated clearly that he does not plan to go this alone. In fact, there are already other nations who have lined up to support the United States if war is necessary.

I don't think the presentation of this resolution has much to do, frankly, with promoting peace and a diplomatic resolution. It's becoming clearer to me, listening here today and hearing the fundamental argument presented by the proponent of this resolution, that it is an economic argument suggesting that if we do go to war, the President and this war will be the blame for our economic problems and the deplorable condition of our state budget here in Maine. That is 'apologism' and it belies the history of where we are, where our state is, and where our state budget is. I will not be a party to that approach.

We have serious issues to confront in this state. By trying to deflect the attention from the real causes of our economic difficulties and our budgetary difficulties, as this resolution and its proponent has stated today, we will be making a grave mistake and doing a disservice to ourselves here in the State Legislature and the people we represent. I encourage you to vote against adoption of this resolution.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I guess all of us can establish motives, comments, and suggestions on both sides of the issue, whether you are for or against the resolution. We can attempt to know what's in the President's mind or what is in the opponent's mind in Iraq. That, frankly, is impossible.

One thing that I need to clearly lay out for all of us is that if the Constitution of the United States, under which we all live, was being drafted today for the first time, it would be somewhat different in terms of the way in which international relations would be handled. If you look at the power that is given to the President of the United States today as Commander and Chief, he has total and complete authority to do what he wants to do in diplomatic relations, in accepting nations, and rejecting nations. All of the factors of international relations were left, at that time, to the President. All of us in this room know that this would never happen today. That is, in part, the frustration that so many people have with what goes on in the world today.

I go back, because of my historical background, to the 1960's, to my college years, and I remember well Theodore Roosevelt. We had just developed our fleet and Teddy Roosevelt decided he wanted to send it around the world. He asked Congress for money and they turned him down. Guess what he did? He ordered the fleet to depart. When it got to Japan, there was no money to bring it back. He sent a message to Congress saying that he needed money to return the fleet to the United States. Congress gave him the money and the fleet continued the tour around the world. From that point in time, I think that everyone now understands, and understood then, that the diplomacy and the control lies entirely in the hands of the President of the United States. In part, I'm sure this resolution is a frustration.

I will vote for the resolution today and I will do so in part, for two reasons. One, because one of the first persons killed during

Vietnam was my cousin, whom we buried. Second, one of the first students killed was one of my students from the Fort Kent Community High School. I remember going to that funeral as well. The last thing I want is to see body bags returning to this country.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Adopt the Joint Resolution. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#14)

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

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

ABSENT: Senators: SAWYER, SHOREY

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **STRIMLING** of Cumberland to **ADOPT**, **PREVAILED**.

Sent down for concurrence.

On motion by Senator **HALL** of Lincoln (Cosponsored by Senators: CATHCART of Penobscot, President DAGGETT of Kennebec, HATCH of Somerset, Representatives: GOODWIN of Pembroke, PINGREE of North Haven, RICHARDSON of Skowhegan), the following Joint Resolution:
S.P. 170

JOINT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO UNDERTAKE PROJECTS ALONG THE EAST-WEST HIGHWAY IN A MANNER CONSISTENT WITH FUTURE GROWTH

WHEREAS, in 1997, the Maine Legislature established an East-West Highway of Maine, consisting of the following roads in our State: Route 9 from Calais to Bangor, Interstate 95 from Bangor to Newport and Route 2 from Newport to Rumford to New Hampshire; and

WHEREAS, in 2002, at the request of Maine's Congressional Delegation, the United States Secretary of Transportation directed that this corridor be studied for designation as a National

High Priority Corridor, which would qualify it for significant federal funding; and

WHEREAS, an East-West Highway will ideally one day be a limited-access, divided 4-lane highway that will connect the less-travelled parts of Maine to Canada and the rest of the United States and will result in a more equitable distribution of our highways' loads; 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, urge the Department of Transportation to take into account that projects being considered by that department along the existing route of the East-West Highway should be undertaken in such a way to be consistent with the intent to eventually build a larger 4-lane highway linking Maine to other areas; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Transportation with our best wishes that cooperation between the Legislature and the Department of Transportation benefit the people of the State of Maine.

READ and ADOPTED.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003" (EMERGENCY)

H.P. 372 L.D. 483

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.

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

ORDERS

Joint Resolution

On motion by Senator **BLAIS** of Kennebec (Cosponsored by Representative **BRUNO** of Raymond and Senators: **CARPENTER** of York, **DAVIS** of Piscataquis, **TURNER** of Cumberland, **WESTON** of Waldo, **WOODCOCK** of Franklin, **YOUNGBLOOD** of Penobscot), the following Joint Resolution:
S.P. 172

JOINT RESOLUTION HONORING THE ASTRONAUTS OF THE SPACE SHUTTLE COLUMBIA

WHEREAS, on the morning of February 1, 2003, the space shuttle Columbia with its 7 National Aeronautics and Space Administration astronauts, returning from an extraordinarily successful scientific mission, was tragically and abruptly lost just minutes before its scheduled landing; and

WHEREAS, the brave and daring crew of gifted men and women, 6 representing the very finest of this Nation and one representing the State of Israel as its first astronaut, were eagerly returning from a mission hailed for its achievements in advancing science in several areas; and

WHEREAS, the space shuttle Columbia has continued the pioneering legacy of its predecessors, having been the first space shuttle to fly into Earth orbit in 1981 and having flown 28 missions; and

WHEREAS, the 7 astronauts dedicated their lives to meeting scientific challenges, advancing the knowledge of space for all, and did so with happy hearts, willingly and with great enthusiasm; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of the One Hundred and Twenty-first Legislature now assembled in First Regular Session, pause in our deliberations to pay this tribute to: William C. McCool, Rick D. Husband, Michael Anderson, Kalpana Chawla, David M. Brown, Laurel Blair Salton Clark and Ilan Ramon and to join the people of the State of Maine in expressing to the families of the deceased our deepest understanding and prayer and to inscribe upon our journals this token of sympathy and condolence to all who share this great loss; and be it further

RESOLVED: That We respectfully request that when the Legislature adjourns this date it does so in honor and lasting tribute to each of the deceased; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and presented forthwith to these beloved families on behalf of the Legislature and the people of the State of Maine.

READ.

Under suspension of the Rules, on motion by Senator **MARTIN** of Aroostook, all members of the Senate were added as cosponsors.

On motion by Senator **BLAIS** of Kennebec, **ADOPTED.**

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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

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

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, February 5, 2003, at 3:00 in the afternoon.