

MAINE STATE LEGISLATURE

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Senate Legislative Record
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 11, 2003

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

Prayer by Mr. Paul Cates, Vassalboro Friends Meeting at E.
Vassalboro.

MR. CATES: Let us join together in prayer. Dear God, these are very challenging times for our state and for our nation. Here in Maine, we face the need to meet our state's many responsibilities, despite sharply diminished income. As citizens of our nation, we are concerned about the possibility of war and we empathize so strongly with the victims of the world wide AIDS epidemic. All of these are just a few of the challenges we face. Something within us says, 'God will take care of these things.' Yet we realize that this would be a cop out. You have given us intelligence, imagination, and creativity to enable us to work diligently to solve the problems we face.

We, the citizens of Maine, are deeply grateful that we have a Governor and a Legislature who are energetically working to find solutions to our problems and are making real progress towards this end. Yet, dear God, it is mighty comforting that You are right here with us, strengthening our resolve, giving us the courage which results from the realization that we have a most powerful ally. We, all of us here in Maine, will continue to do our very best, working with You for the well-being of all the citizens of our great state. We thank You for Your presence and Your support. In the name of all the Mainers, Amen.

Pledge of Allegiance led by Senator Lynn Bromley of Cumberland County.

Reading of the Journal of Thursday, February 6, 2003.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Senate Order:
S.O. 19

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 10:30 this morning in the Hall of the House for the purpose of extending to the Honorable Leigh I.

Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to make such communication as pleases the Chief Justice.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **TREAT** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **TREAT** reported that she had delivered the message with which she was charged.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Amend School Administrative District Cost-sharing and County Tax Apportionments to Recognize the Value of Property in Municipal Tax Increment Financing Districts"
S.P. 123 L.D. 347

In Senate, January 30, 2003, on motion by Senator **DOUGLASS** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed, in **NON-CONCURRENCE**.

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

House Paper

Bill "An Act To Ensure Domestic Tranquility"
H.P. 411 L.D. 526

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

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

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

COMMUNICATIONS

The Following Communication: S.C. 37

**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 27, 2003

Leigh Ingalls Saufley, Chief Justice
Maine Supreme Court
Cumberland County Courthouse
P.O. Box 368
Portland, ME 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 121st Maine Legislature on Tuesday, February 11, 2003 at 10:30 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Beverly Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 38

**STATE OF MAINE
SUPREME JUDICIAL COURT**

January 29, 2003

Senator Beverly C. Daggett
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

Representative Patrick Colwell
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Daggett and Speaker Colwell:

I am pleased to accept your invitation to address a Joint Session of the 121st Maine Legislature on Tuesday, February 11, 2003. I appreciate the courtesy of the Legislative Branch of government in permitting me to address the cause of justice in Maine.

I look forward to seeing you on February 11, 2003.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 40

**121ST LEGISLATURE
JOINT STANDING COMMITTEE ON
NATURAL RESOURCES**

February 6, 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 Natural Resources has had under consideration the nomination of Dawn Gallagher of Hallowell, for appointment as the Commissioner of the Department of Environmental Protection.

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	Martin of Aroostook, Edmonds of Cumberland, Sawyer of Penobscot
	Representatives	9	Koffman of Bar Harbor, Annis of Dover-Foxcroft, Daigle of Arundel, Hutton of Bowdoinham, Makas of Lewiston, Saviello of Wilton, Thompson of South China, Tobin of Windham, Twomey of Biddeford

NAYS 0

ABSENT 1 Rep. Joy of Crystal

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 Dawn Gallagher of Hallowell, for appointment as the Commissioner of the Department of Environmental Protection be confirmed.

Signed,

S/John L. Martin
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 39

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0035**

February 3, 2003

The Honorable Beverly C. Daggett
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

Re: Annual Report on Charitable Fundraising Activity

Dear President Daggett:

Pursuant to the Charitable Solicitations Act, 9 MRSA, §5010, enclosed please find the 2002 Annual Report on the fundraising activity of charitable organizations in the State of Maine. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

S/Anne L. Head
Acting Commissioner

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

SENATE PAPERS

Bill "An Act To Provide Temporary Emergency Relief to Maine Dairy Farmers" (EMERGENCY)

S.P. 202 L.D. 593

Sponsored by Senator BRYANT of Oxford. (GOVERNOR'S BILL)
Cosponsored by Representative PIOTTI of Unity and Senators: DAMON of Hancock, GAGNON of Kennebec, HATCH of Somerset, TREAT of Kennebec, Representatives: McKEE of Wayne, MILLS of Cornville, PINEAU of Jay, WOTTON of Littleton.

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 Appropriate Funds for a Study To Determine the Feasibility of a Medical School in Maine" (EMERGENCY)

S.P. 204 L.D. 595

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative SMITH of Van Buren and Senator: KNEELAND of Aroostook, Representatives: BLANCHETTE of Bangor, DUGAY of Cherryfield, MARRACHÉ of Waterville, PERRY of Bangor, ROSEN of Bucksport, TARDY of Newport, THOMAS of Orono.

Bill "An Act To Authorize Funds To Renovate the State's Court Facilities in the City of Bangor"

S.P. 229 L.D. 665

Sponsored by Senator SAWYER of Penobscot.
Under suspension of the rules, cosponsored by Representative FAIRCLOTH of Bangor and Senators: CATHCART of Penobscot, DAVIS of Piscataquis, MITCHELL of Penobscot, STANLEY of Penobscot, YOUNGBLOOD of Penobscot, Representatives: ANNIS of Dover-Foxcroft, BLANCHETTE of Bangor, CLARK of Millinocket, DUNLAP of Old Town, JOY of Crystal, LEDWIN of Holden, NORTON of Bangor, PEAVEY-HASKELL of Greenbush, PERRY of Bangor, ROGERS of Brewer, THOMAS of Orono, TOBIN of Dexter.

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

Sent down for concurrence.

Resolve, To Study the Effects of NAFTA on Maine Businesses
S.P. 216 L.D. 607

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative CRAVEN of Lewiston and Senators: BROMLEY of Cumberland, DOUGLASS of Androscoggin, GILMAN of Cumberland, PENDLETON of Cumberland, STANLEY of Penobscot, Representatives: CLARK of Millinocket, HOTHAM of Dixfield, MURPHY of Kennebunk.

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

Sent down for concurrence.

Bill "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register"

S.P. 226 L.D. 617

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative WALCOTT of Lewiston and Senators: BROMLEY of Cumberland, DOUGLASS of Androscoggin, WOODCOCK of Franklin, Representatives: CRAVEN of Lewiston, MAILHOT of Lewiston, MAKAS of Lewiston, O'BRIEN of Augusta, O'BRIEN of Lewiston.

Bill "An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers"

S.P. 227 L.D. 618

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative SULLIVAN of Biddeford and
Representative: LAVERRIERE-BOUCHER of Biddeford.

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

Sent down for concurrence.

Bill "An Act Regarding Age Eligibility for Enrollment in a Public
Secondary School" (EMERGENCY)

S.P. 201 L.D. 592

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative MARLEY of Portland and
Senators: EDMONDS of Cumberland, ROTUNDO of
Androscoggin, Representatives: CUMMINGS of Portland,
FAIRCLOTH of Bangor, MURPHY of Kennebunk, NORBERT of
Portland.

Bill "An Act To Establish a Community College System in Maine"
S.P. 206 L.D. 597

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative CUMMINGS of Portland and
Senators: BROMLEY of Cumberland, President DAGGETT of
Kennebec, DOUGLASS of Androscoggin, EDMONDS of
Cumberland, STRIMLING of Cumberland, Representatives:
DUDLEY of Portland, MURPHY of Kennebunk, NORBERT of
Portland.

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

Sent down for concurrence.

Resolve, to Allow Persons with Disabilities to Purchase Coverage
Under the Medicaid Program

S.P. 211 L.D. 602

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Senator ROTUNDO of Androscoggin,
Representative THOMAS of Orono and Senators: BRENNAN of
Cumberland, EDMONDS of Cumberland, MARTIN of Aroostook,
Representatives: CRAVEN of Lewiston, FISCHER of Presque
Isle, KANE of Saco, O'BRIEN of Lewiston, WALCOTT of
Lewiston.

Bill "An Act To Offset the United States Citizenship Test Fee for
Low-income Residents"

S.P. 218 L.D. 609

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative DUDLEY of Portland and
Senators: BENNETT of Oxford, BRENNAN of Cumberland,
DOUGLASS of Androscoggin, MARTIN of Aroostook,
Representatives: LAVERRIERE-BOUCHER of Biddeford,
LERMAN of Augusta, SIMPSON of Auburn.

Bill "An Act To Obtain Substance Abuse Services for Minors"
S.P. 220 L.D. 611

Sponsored by Senator ROTUNDO of Androscoggin.

Bill "An Act To Provide Safe Staffing Levels for Patients and To
Retain Registered Nurses"

S.P. 225 L.D. 616

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Representative RICHARDSON of Brunswick and
Senators: CARPENTER of York, President DAGGETT of
Kennebec, KNEELAND of Aroostook, MARTIN of Aroostook,
Representatives: ANDREWS of York, DAVIS of Falmouth,
DUGAY of Cherryfield, PERRY of Calais.

Bill "An Act Making Substantive and Technical Changes to the
General Assistance Laws"

S.P. 228 L.D. 619

Sponsored by Senator ROTUNDO of Androscoggin.

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 Prevent Health Insurance Fraud"

S.P. 221 L.D. 612

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative CRAVEN of Lewiston and
Representatives: MAKAS of Lewiston, WALCOTT of Lewiston.

Bill "An Act To Provide Parity in Lending by State-chartered
Financial Institutions"

S.P. 223 L.D. 614

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative O'NEIL of Saco and Senator:
LaFOUNTAIN of York, Representatives: CLOUGH of
Scarborough, DAVIS of Falmouth, DUPLESSIE of Westbrook,
KOFFMAN of Bar Harbor, SIMPSON of Auburn, SULLIVAN of
Biddeford, TRAHAN of Waldoboro.

Bill "An Act To Protect Citizen Privacy"

S.P. 224 L.D. 615

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative THOMAS of Orono and
Senators: BRENNAN of Cumberland, EDMONDS of Cumberland,
MARTIN of Aroostook, ROTUNDO of Androscoggin,
Representatives: FISCHER of Presque Isle, SAMPSON of
Auburn.

Resolve, To Implement a Process That Provides for Sunsetting
Health Insurance Mandates

S.P. 230 L.D. 666

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Senator: SHOREY of Washington,
Representatives: O'BRIEN of Augusta, ROSEN of Bucksport.

Bill "An Act To Amend the Maine Insurance Code"

S.P. 231 L.D. 667

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Senator: MAYO of Sagadahoc, Representatives:
GLYNN of South Portland, PERRY of Bangor, YOUNG of
Limestone.

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 Establish a Limit on Noneconomic Damages in
Medical Malpractice Actions"

S.P. 203 L.D. 594

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative MARRACHÉ of Waterville and
Senator: WOODCOCK of Franklin, Representatives: BOWLES of
Sanford, CARR of Lincoln, CURLEY of Scarborough, DUGAY of
Cherryfield, PERRY of Bangor, SHERMAN of Hodgdon.

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

Sent down for concurrence.

Bill "An Act To Change the Filing Dates on Real Estate Liens"

S.P. 209 L.D. 600

Sponsored by Senator LaFOUNTAIN of York.
Cosponsored by Representative SULLIVAN of Biddeford.

Committee on **JUDICIARY** suggested and ordered printed.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED**
to the Committee on **TAXATION**.

Sent down for concurrence.

Bill "An Act To Establish a Schedule for Mandatory Sentencing for
a Motor Vehicle Operator Found Guilty of Negligence that Caused
the Death of a Motorcycle Rider"

S.P. 219 L.D. 610

Sponsored by Senator SAVAGE of Knox.

Committee on **JUDICIARY** suggested and ordered printed.

On motion by Senator **PENDLETON** of Cumberland, **REFERRED**
to the Committee on **CRIMINAL JUSTICE AND PUBLIC**
SAFETY.

Sent down for concurrence.

Bill "An Act To Create a Woods-related Bargaining Council"

S.P. 198 L.D. 589

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative SMITH of Van Buren and
Senators: EDMONDS of Cumberland, HATCH of Somerset,
STANLEY of Penobscot, Representatives: CLARK of Millinocket,
DUGAY of Cherryfield, JACKSON of Fort Kent, McGLOCKLIN of
Embden, PATRICK of Rumford.

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

Sent down for concurrence.

Bill "An Act Regarding Requirements for Obtaining a Lobster
Fishing License"

S.P. 200 L.D. 591

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative DUGAY of Cherryfield and
Senators: DAMON of Hancock, STRIMLING of Cumberland.

Bill "An Act To Protect the Public from Paralytic Shellfish
Poisoning"

S.P. 207 L.D. 598

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

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

Sent down for concurrence.

Bill "An Act To Regulate the Disposal of Computers and Related Equipment"

S.P. 199 L.D. 590

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative DUNLAP of Old Town and
Senators: DOUGLASS of Androscoggin, ROTUNDO of
Androscoggin, TREAT of Kennebec, Representatives: Speaker
COLWELL of Gardiner, COWGER of Hallowell, DAIGLE of
Arundel, KOFFMAN of Bar Harbor, TWOMEY of Biddeford.

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 Improve the Effectiveness of the Maine Coastal
and Inland Surface Oil Clean-up Fund"

S.P. 205 L.D. 596

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative RICHARDSON of Brunswick and
Senators: BRENNAN of Cumberland, HALL of Lincoln,
ROTUNDO of Androscoggin, SHOREY of Washington,
STRIMLING of Cumberland, Representative: SUSLOVIC of
Portland.

Committee on **NATURAL RESOURCES** suggested and ordered
printed.

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

Bill "An Act To Improve State Accounting Procedures"
(EMERGENCY)

S.P. 215 L.D. 606

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative FISCHER of Presque Isle and
Senators: CATHCART of Penobscot, EDMONDS of Cumberland,
MARTIN of Aroostook, ROTUNDO of Androscoggin,
Representatives: CRAVEN of Lewiston, KANE of Saco,
SAMPSON of Auburn, THOMAS of Orono.

Bill "An Act to Support Domestic Businesses in Publicly Funded
Construction Projects"

S.P. 217 L.D. 608

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative WALCOTT of Lewiston and
Senators: DOUGLASS of Androscoggin, GILMAN of Cumberland,
STANLEY of Penobscot, Representatives: CLARK of Millinocket,
CRAVEN of Lewiston, HOTHAM of Dixfield, MURPHY of
Kennebunk, O'BRIEN of Lewiston.

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

Sent down for concurrence.

Bill "An Act To Repeal the Sales Tax on All Over-the-counter
Medications"

S.P. 196 L.D. 587

Sponsored by Senator LEMONT of York.
Cosponsored by Representatives: ANDREWS of York, BROWN
of South Berwick, LEWIN of Eliot, PERRY of Bangor.

Bill "An Act To Expand Eligibility for the 'Circuit Breaker' Program"
S.P. 197 L.D. 588

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative CUMMINGS of Portland and
Senators: CATHCART of Penobscot, President DAGGETT of
Kennebec, DOUGLASS of Androscoggin, EDMONDS of
Cumberland, ROTUNDO of Androscoggin, STRIMLING of
Cumberland, TURNER of Cumberland, Representative:
NORBERT of Portland.

Bill "An Act To Encourage Earlier Tax Refunds" (EMERGENCY)
S.P. 210 L.D. 601

Sponsored by Senator NASS of York.
Cosponsored by Representative BOWLES of Sanford and
Representative: CLOUGH of Scarborough.

Bill "An Act To Allow Vendors to Retain a Portion of Sales Tax
They Collect to Cover Costs"
S.P. 222 L.D. 613

Sponsored by Senator LEMONT of York.
Cosponsored by Representatives: ANDREWS of York, BROWN
of South Berwick, LEWIN of Eliot, PERRY of Bangor.

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

Sent down for concurrence.

Bill "An Act To Implement the Recommendations of the Task
Force on Rail Transportation"

S.P. 208 L.D. 599

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: DAVIS of Piscataquis, ROTUNDO of
Androscoggin, SAVAGE of Knox, Representatives: COLLINS of
Wells, MURPHY of Kennebunk.

Bill "An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority"

S.P. 212 L.D. 603

Sponsored by Senator HATCH of Somerset.

Cosponsored by Senators: SAVAGE of Knox, DAMON of Hancock, Representatives: BROWNE of Vassalboro, COLLINS of Wells, MARLEY of Portland, MARRACHÉ of Waterville, McKENNEY of Cumberland, McNEIL of Rockland, USHER of Westbrook.

Submitted by the Maine Turnpike Authority pursuant to Joint Rule 204.

Bill "An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates" (EMERGENCY)

S.P. 213 L.D. 604

Sponsored by Senator SAVAGE of Knox.

Submitted by the Maine Turnpike Authority pursuant to Joint Rule 204.

Bill "An Act To Increase the Bond Limit of the Maine Turnpike Authority"

S.P. 214 L.D. 605

Sponsored by Senator HATCH of Somerset.

Cosponsored by Senator SAVAGE of Knox and Representatives: COLLINS of Wells, JODREY of Bethel, MARLEY of Portland, MARRACHÉ of Waterville, McKENNEY of Cumberland, McNEIL of Rockland, SAMPSON of Auburn, USHER of Westbrook. Submitted by the Maine Turnpike Authority pursuant to Joint Rule 204.

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

Sent down for concurrence.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Sergeant David Peppard, of Richmond, on his retirement after 28 years of dedicated service with the Maine Warden Service, Special Services in the Department of Inland Fisheries and Wildlife. Sergeant Peppard directed the department's Landowner Relations Program and developed successful programs to promote access to and responsible use of private lands. We commend Sergeant Peppard on his exemplary service to the State, and extend our best wishes to him in his future endeavors;

SLS 42

Sponsored by Senator TREAT of Kennebec.

Cosponsored by Representative: HUTTON of Bowdoinham.

READ.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (2/6/03) Assigned matter:

Bill "An Act To Provide Testing for a Public Safety or Health Care Employee Exposed to Body Fluids in the Course of Employment" H.P. 404 L.D. 519

Tabled - February 6, 2003, by Senator BRENNAN of Cumberland

Pending - REFERENCE

(Committee on HEALTH AND HUMAN SERVICES suggested and ordered printed.)

(In House, February 6, 2003, REFERRED to the Committee on JUDICIARY.)

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

At this point a message was received from the House of Representatives, borne by Representative RICHARDSON of Brunswick informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 10:30 this morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to make such communication as pleases the Chief Justice.

ORDERS OF THE DAY

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

NOMINATION - of Dawn Gallagher of Hallowell, for appointment as the Commissioner of the Department of Environmental Protection.

Tabled - February 11, 2003, by Senator GAGNON of Kennebec

Pending - CONSIDERATION

(In Senate, February 11, 2003, Communication (S.C. 40) from the Committee on **NATURAL RESOURCES**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **NATURAL RESOURCES** 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 (#16)

YEAS: Senators: None

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

ABSENT: Senators: MAYO, SAWYER, WOODCOCK

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dawn Gallagher** of Hallowell, for appointment as the Commissioner of the Department of Environmental Protection was **CONFIRMED**.

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

Off Record Remarks

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

JOINT ORDER - relative to recognizing Sergeant David Peppard, of Richmond

SLS 42

Tabled - February 11, 2003, by Senator **GAGNON** of Kennebec

Pending - **PASSAGE**

(In Senate, February 11, 2003, **READ**.)

READ.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. It's really my pleasure and honor today to be here to recognize David Peppard, who I know not only for his role in the Land Owner Relations Program at the Department of Conservation, but also as a Richmond Selectman who I have been working with for many years. Over the time that I have represented Richmond here in the Maine Senate, David Peppard's leadership of the Land Owners Relations Program has developed a very successful and respected set of programs. In fact, I forwarded a lot of information about these programs to my dad in Vermont, where they have real problems with trespassing issues and the posting of land. We've got more than 200,000 acres in the Land Owner Sign Assistance Program right now and 8.5 million acres in Project Land Share. There are 5,000 participating landowners. I know that much of this is related to David Peppard and his work.

In addition, I want to mention David's work as a Selectman in Richmond. His public service there, both for the Warden Service and for the citizens of Richmond, has really been of value to all of us. I certainly have appreciated being able to call Dave, on so many occasions, about things going on in the legislature or to get feedback on issues. I always get a prompt response, and he expresses a willingness to have me come down and talk with the Selectmen, at all times, about issues pending here. It's been great to work with him and it's really been a pleasure. I want to simply recognize his many years of service and also wish him well in all of his future endeavors. I'm sure I'll run into him on some remote frozen lake sometime this winter, as I have in the past. Congratulations.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber David Peppard, his significant other, Sharon Woodward, and his children, Hannah and Isaiah. Would they please rise and accept the greetings of the Maine Senate.

Senate at Ease.

Senate called to order by the President.

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

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

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

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

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

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

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Friday, February 14, 2003, at 9:30 in the morning.