

MAINE STATE LEGISLATURE

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

Volume 1

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

Pages 1 - 714

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

In Senate Chamber
Tuesday
March 4, 2003

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

Prayer by Father Donald R. Daigle, St. Denis Parish in Whitefield.

FATHER DAIGLE: God, our Father, You bestow Your wisdom on those who seek her. May Your wisdom be granted to this assembly of men and women who are continuously seeking the good and right justice for the people of Maine. May we trust in Your ever present wisdom which reveals the secrets and the answers to our concerns. May Your wisdom help us to discover the treasures of knowledge and understanding of true justice. May we be sincere of heart and steadfast in times of adversity. May we wait on You, Lord, with patience. As in fire, gold and silver are tested, may we become stronger in our resolve to live in harmony and peace with each other. Lord, be our help this day as we deliberate the issues at hand. Lord, direct our way and bless the work we are about to do for Your greater glory here on earth. We ask this through Christ, our Lord, who lives with You and the Holy Spirit. One God, forever and ever. Amen.

Pledge of Allegiance led by Senator Dennis Damon of Hancock County.

Doctor of the day, Tamas Peredy, M.D. of Cumberland.

Reading of the Journal of Wednesday, February 26, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Improve Fisheries Management in Hancock County
H.P. 601 L.D. 824

In House, February 20, 2003, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

In Senate, February 20, 2003, on motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in **NON-CONCURRENCE**.

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

On motion by Senator **BRYANT** of Oxford, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.P. 379

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 26, 2003

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Joint Rule 351, I have made the following appointments to the Joint Select Committee on Joint Rules:

Senator Kenneth Gagnon of Kennebec, Chair
Senator John L. Martin of Aroostook
Senator Pamela Hatch of Somerset
Senator Kenneth Lemont of York
Senator Kenneth Blais of Kennebec

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.C. 65

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

February 26, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under Joint Rule 501, we have appointed Rickmond K. McCarthy, Chief of Staff in the Office of the Senate President, and Patrick Damon, Chief of Staff in the Office of the Speaker of the House, to jointly serve as the Democratic Partisan Staff Assistant for Nominations during the 121st Maine State Legislature.

Sincerely,

S/Beverly C. Daggett
President of the Senate

S/Patrick Colwell
Speaker of the House

S/Sharon A. Treat
Senate Majority Leader

S/John Richardson
House Majority Leader

S/Kenneth T. Gagnon
Assistant Senate Majority
Leader

S/Robert W. Duplessie
Assistant House Majority
Leader

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 66

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 26, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 501, Section 19202, I am pleased to appoint Senator Arthur Mayo of Sagadahoc to the Maine HIV Advisory Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 67

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 26, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 38, MRSA, Chapter 14-A, Section 1453-A, I am pleased to appoint the following Senators to serve on the Advisory Commission on Radioactive Waste and Decommissioning:

Senator Christopher Hall (new member)
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Sharon Anglin Treat (reappointment)
Senate Democratic Office
3 State House Station
Augusta, ME 04333

Senator Tom Sawyer (reappointment)
Senate Republican Office
3 State House Station
Augusta, ME 04333

Please let me know if you have any questions regarding these appointments.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 68

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

February 27, 2003

Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 3, MRSA, Chapter 7, Section 168-A, I am pleased to appoint Jennifer Thompson of Readfield to the Legislative Youth Advisory Council.

Please let me know if you have any questions regarding this appointment.

Sincerely yours,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 69

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0038**

February 11, 2003

The Honorable Beverly Daggett
Senate President
3 State House Station
Augusta, ME 04333

Dear President Daggett:

Enclosed please find a complimentary copy of the State Nuclear Safety Advisory Report for the period ending January 15, 2003, pursuant to 25 M.R.S.A., Chapter 5, Section 52(2)(D).

The report chronicles certain events concerning nuclear materials safety both nationally and in the State. The approval of Yucca Mountain in Nevada and the movement of Maine Yankee's spent fuel from the spent fuel pool to the Independent Spent Fuel Storage Installation (ISFSI) in Wiscasset were major milestones for the year 2002. Last year, Portsmouth Naval Shipyard also organized a rare spent fuel transportation accident training exercise hosted in Kittery.

A copy of the report is scheduled to be posted next week on the State's website at <http://www.state.me.us/spo/nuclear/>. In the meantime, please feel free to contact me if you have any questions or comments.

Sincerely,

S/Paula Craighead

READ and with accompanying papers ORDERED PLACED ON FILE.

Off Record Remarks

SENATE PAPERS

Bill "An Act Regarding Mandated Reporters and Child Abuse"
S.P. 370 L.D. 1098

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative KANE of Saco and Senators: BROMLEY of Cumberland, President DAGGETT of Kennebec, STRIMLING of Cumberland, WESTON of Waldo, Representatives: DUDLEY of Portland, McKEE of Wayne, O'BRIEN of Augusta.

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 Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Energy Conservation in State Buildings and Facilities"

S.P. 361 L.D. 1089

Sponsored by Senator HALL of Lincoln.
Cosponsored by Representative BLISS of South Portland and Senators: President DAGGETT of Kennebec, GAGNON of Kennebec.

Bill "An Act To Support Maine's Franco-American Heritage and the Kennebec-Chaudiere International Corridor"

S.P. 373 L.D. 1149

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Speaker COLWELL of Gardiner and Senators: HATCH of Somerset, MAYO of Sagadahoc, Representatives: CANAVAN of Waterville, LANDRY of Sanford, MILLS of Farmington.

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 Provide Security Deposit Assistance to Renters Receiving Federal Rent Assistance"

S.P. 357 L.D. 1085

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative: SUSLOVIC of Portland.

Bill "An Act To Require a 30-Day Deferment Period To Pay Bills"
S.P. 358 L.D. 1086

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Senator: BROMLEY of Cumberland.

Bill "An Act To Amend the Laws Pertaining to Denturists"
S.P. 364 L.D. 1092

Sponsored by Senator STANLEY of Penobscot.

Bill "An Act To Authorize Collaborative Practice for Emergency Contraception"

S.P. 376 L.D. 1152

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representative RICHARDSON of Brunswick and
Senators: BROMLEY of Cumberland, TURNER of Cumberland,
Representatives: BRUNO of Raymond, MARRACHÉ of
Waterville, McNEIL of Rockland, O'BRIEN of Lewiston, PINGREE
of North Haven, RECTOR of Thomaston.

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 To Amend the Not Guilty by Reason of Insanity
Verdict"

S.P. 363 L.D. 1091

Sponsored by Senator WOODCOCK of Franklin.

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 "Resolve, To Promote Recruitment and Retention of Direct
Care Workers in Long-term Care in Maine"

S.P. 362 L.D. 1090

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Representative LAVERRIERE-BOUCHER of
Biddeford and Senators: BRENNAN of Cumberland, GAGNON of
Kennebec, MAYO of Sagadahoc, Representatives: EARLE of
Damariscotta, KANE of Saco, KOFFMAN of Bar Harbor,
RICHARDSON of Brunswick.

Bill "An Act To Amend the Laws Governing the Maine
Developmental Disabilities Council"

S.P. 371 L.D. 1099

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative DUDLEY of Portland and
Senators: President DAGGETT of Kennebec, EDMONDS of
Cumberland, Representatives: Speaker COLWELL of Gardiner,
LAVERRIERE-BOUCHER of Biddeford, MARLEY of Portland,
WALCOTT of Lewiston.

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 Require All Health Insurers To Cover the Costs of
Hearing Aids"

S.P. 359 L.D. 1087

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Representative LAVERRIERE-BOUCHER of
Biddeford and Senators: BRENNAN of Cumberland, HATCH of
Somerset, PENDLETON of Cumberland, STRIMLING of
Cumberland, TREAT of Kennebec, Representative: KOFFMAN of
Bar Harbor.

Bill "An Act To Create a Timetable for Insurers To Make
Restitution to Consumers"

S.P. 368 L.D. 1096

Sponsored by Senator DAMON of Hancock.

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 Release the Records of the Attorney General and
the Maine State Police Regarding the Investigation, Prosecution
and Trial of Dennis Dechaine"

S.P. 369 L.D. 1097

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative PARADIS of Frenchville and
Representatives: JACKSON of Fort Kent, SMITH of Van Buren.

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

Sent down for concurrence.

Bill "An Act to Conform State Workforce Development Laws to the
Federal Workforce Investment Act of 1998"

S.P. 365 L.D. 1093

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Senator: BRYANT of Oxford, Representative: JACKSON of Fort
Kent.

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

Sent down for concurrence.

Resolve, To Create a Study Committee To Consider Bay Management Planning (EMERGENCY)

S.P. 360 L.D. 1088

Sponsored by Senator EDMONDS of Cumberland.
Cosponsored by Representative SULLIVAN of Biddeford and Senator: HALL of Lincoln, Representatives: COWGER of Hallowell, KOFFMAN of Bar Harbor, McKEE of Wayne, PINGREE of North Haven.

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 Protect Maine's Coastal Water"

S.P. 378 L.D. 1158

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Senators: BROMLEY of Cumberland, President DAGGETT of Kennebec, HALL of Lincoln, STRIMLING of Cumberland, TREAT of Kennebec, Representatives: COWGER of Hallowell, DUDLEY of Portland, McKEE of Wayne.

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 Protect the Rights of State Workers"

S.P. 374 L.D. 1150

Sponsored by President DAGGETT of Kennebec.
Cosponsored by Representative SMITH of Van Buren and Senators: EDMONDS of Cumberland, HATCH of Somerset, MAYO of Sagadahoc, STANLEY of Penobscot, Representatives: CANAVAN of Waterville, DAVIS of Falmouth, LERMAN of Augusta.

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

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

Sent down for concurrence.

Bill "An Act To Replace the Sales Tax with a Gross Receipts Tax"
S.P. 366 L.D. 1094

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Senator: President DAGGETT of Kennebec.

Bill "An Act Relating to Tax Credits for Historic Preservation"

S.P. 375 L.D. 1151

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Senator STRIMLING of Cumberland, Representative ADAMS of Portland and Senators: GAGNON of Kennebec, SAWYER of Penobscot, TREAT of Kennebec, Representatives: CUMMINGS of Portland, MILLS of Cornville, O'BRIEN of Augusta, SUSLOVIC of Portland.

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

Sent down for concurrence.

Bill "An Act Relating to Motorcycle Safety"

S.P. 367 L.D. 1095

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Representative GERZOFKY of Brunswick and Senators: HATCH of Somerset, SAVAGE of Knox, Representatives: BARSTOW of Gorham, MARLEY of Portland, McNEIL of Rockland, SHERMAN of Hodgdon.

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

Sent down for concurrence.

Bill "An Act To Promote Clean and Efficient Energy"

S.P. 377 L.D. 1157

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Senators: President DAGGETT of Kennebec, HALL of Lincoln, STRIMLING of Cumberland, TREAT of Kennebec, Representatives: COWGER of Hallowell, DUDLEY of Portland, KANE of Saco, McKEE of Wayne.

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 Study Order

On motion by Senator **BRENNAN** of Cumberland (Cosponsored by Senator BROMLEY of Cumberland, Representative COWGER of Hallowell, President DAGGETT of Kennebec, Representative DUDLEY of Portland, Representative LAVERRIERE-BOUCHER of Biddeford, Representative McKEE of Wayne, Senator STRIMLING of Cumberland), the following Joint Study Order:
S.P. 372

ORDERED, the House concurring, that the Task Force to Study Drug Overdose is established as follows.

1. Task Force to Study Drug Overdose established. The Task Force to Study Drug Overdose, referred to in this order as "the task force," is established.

2. Membership. The task force consists of the following 11 members:

A. Two members of the Senate, appointed by the President of the Senate, one of whom is a member of the Democratic Party and one of whom is a member of the Republican Party;

B. Two members of the House of Representatives, appointed by the Speaker of the House, one of whom is a member of the Democratic Party and one of whom is a member of the Republican Party;

C. Two representatives who have expertise in the substance abuse field, appointed by the Speaker of the House;

D. Two representatives of law enforcement, appointed by the President of the Senate; and

E. Three members of the public, appointed jointly by the President of the Senate and the Speaker of the House.

3. Task force chairs. The first-named Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than July 1, 2003.

5. Duties. The task force shall hold 4 meetings at various locations in the State, to be determined by the chairs. The task force shall gather information and request necessary data from public and private entities in order to study the problem of drug overdose in the State and determine recommended remedy and treatment plans. The task force may also study other issues relevant to this topic.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

7. Compensation. Legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

8. Report. No later than December 31, 2003, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 121st Legislature. The task force is authorized to submit legislation related to its report for introduction to the Second Regular Session of the 121st Legislature at the time of submission of its report.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Budget. The chairs of the task force, with assistance from the Office of Policy and Legal Analysis, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

READ and REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Joint Resolution

On motion by Senator **MAYO** of Sagadahoc (Cosponsored by Representative RICHARDSON of Brunswick and Senators: President DAGGETT of Kennebec, DAVIS of Piscataquis, GAGNON of Kennebec, TREAT of Kennebec, WOODCOCK of Franklin, Representatives: Speaker COLWELL of Gardiner, DUPLESSIE of Westbrook), the following Joint Resolution:
S.P. 380

JOINT RESOLUTION MEMORIALIZING THE PHARMACEUTICAL INDUSTRY TO CONTINUE PRESCRIPTION DRUG DELIVERIES TO CANADIAN PHARMACIES THAT SELL PRESCRIPTION DRUGS TO AMERICAN CITIZENS

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 pharmaceutical industry, as follows:

WHEREAS, Americans are forced to pay prescription drug prices that far exceed those in any other nation; and

WHEREAS, these extraordinarily high prices have a severe economic impact on people throughout the State, especially on our senior citizens who are least able to afford the costs of essential medications; and

WHEREAS, Canadian pharmacies are a critical resource for people throughout the State to purchase prescription drugs at up to 80% less than in the United States; and

WHEREAS, one of the major suppliers to Canadian-based mail-order pharmacies is the British GlaxoSmithKline corporation, the world's 2nd largest drug manufacturer, whose total annual sales for the most recently measured 12-month period were \$29.5 billion; and

WHEREAS, GlaxoSmithKline is also the manufacturer of many popular nonprescription consumer products, including Tums antacid, Contac cold medicine, Sominex sleep aid, Citrucel fiber supplement and Aquafresh toothpaste; and

WHEREAS, on January 21, 2003, one pharmaceutical company suspended all shipments of prescription drugs to these Canadian pharmacies, including popular medications such as the antidepressant Paxil and the allergy drug Flonase; and

WHEREAS, this suspension may severely affect the medical needs of many people throughout the State; and

WHEREAS, it appears that the motivation to suspend shipments was premised on the loss of profits that the pharmaceutical company had experienced from the shift of purchases from the United States to Canadian pharmacies; and

WHEREAS, other major drug manufacturers may quickly follow suit and suspend their shipments of prescription drugs to the Canadian pharmacies; and

WHEREAS, in retaliation against the pharmaceutical company's suspension of prescription deliveries to Canadian pharmacies, many senior citizen organizations are participating in the well-publicized "Tums Down" boycott; and

WHEREAS, one pharmaceutical company claims the drug supply stoppage was instigated to protect American consumers against unsafe or counterfeit medications; and

WHEREAS, the assertion by officials of one major pharmaceutical company that Americans may be violating United States drug laws must be balanced against repeated assurances from United States Food and Drug Administration officials that individuals importing prescription drugs from Canada for exclusively personal use have no need to fear that the Federal Government will interfere in their Canadian drug purchases; and

WHEREAS, the pharmaceutical companies' unabashed fidelity to financial gain at the expense of some of the State's most vulnerable populations directly contravenes the pharmaceutical companies' mission to improve the quality of human life and safeguard public health; and

WHEREAS, it may be within the power of the Legislature to subject all prescription drugs manufactured by pharmaceutical companies to Maine's prior authorization requirements; and

WHEREAS, it is imperative that pharmaceutical companies continue their shipments of prescription drugs to Canadian pharmacies; now, therefore, be it

RESOLVED: That We, your Memorialists, are committed to doing whatever is within our power to send an unmistakable message to the pharmaceutical companies that prescription drug deliveries to Canadian pharmacies must continue; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States headquarters of every major pharmaceutical company, each Member of the Maine Congressional Delegation and the National Legislative Association on Prescription Drug Prices.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. You have before you, on this morning's calendar, a Joint Resolution pertaining to pharmaceutical companies and prescription drugs. Those of you who have been following the issue are well aware that at least one of the major drug companies in the world has stopped supplying drugs to Canadian pharmacies that have been making those drugs available to your constituents and mine. That is an unfortunate set of circumstances and I have recently been led to believe that we are going to see this continue with other drug companies doing the same thing.

This particular Joint Resolution was passed a week or 10 days ago by the Vermont legislature and signed and sent off to the drug companies, one in particular. It is also being considered by two other New England states, the state of New York, and the state of Michigan. I would suspect that at least a dozen states in this country will be considering this resolution.

I had an e-mail handed to me this morning from a constituent, in the good Senator from Kennebec, Senator Gagnon's, district. It was a woman who has purchased her drugs in Canada. This drug, if she purchased it in Maine, costs in excess of \$1,200. She purchases it in Canada for around \$100. That is the difference in the price on that one particular drug for that one particular individual.

It is unfortunate that everything that we have attempted to do lately, in the State of Maine, with regard to drug prices, has been held up and is currently being held up in the courts by the pharmaceutical industry. Fortunately, this Joint Resolution will not have the same fate because there is no reason and no ability for them to hold it up in court.

I would urge your acceptance of this Joint Resolution so that it may go to the other body, and as is indicated in the last resolve, it will then be signed by the Secretary of State, transmitted to the major headquarters of all of the drug companies in this country, and a copy of it will be sent to our Congressional delegation. Thank you. I urge your support.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I hope that you will join with me and with the Senator from Sagadahoc, Senator Mayo, in supporting this Joint Resolution. I know we've had a lot of discussion over the last several weeks about whether Joint Resolutions mean anything or accomplish anything or have any purpose. I would argue, that in this case, it most certainly does. We're trying to put the State of Maine on record saying that drug companies cannot be bullies and go out there and block everything that we do and basically get in the way of everything that we as state legislators and administrators in this state, have tried to do to lower drug costs for consumers here in the State of Maine.

Just to follow up on the comments of the good Senator from Sagadahoc, Senator Mayo, on the last trip to Canada there were 24 folks, older people, who rode that bus into Canada. They saved \$38,000 collectively; that is the difference in the price.

We need to focus on how to reduce prices here in the United States and in Maine. There are many pieces of legislation pending here in the state that will focus on that. In the meantime, while we are waiting for Congress to act, while we're waiting for those legislative proposals to get through, we need to have this as an option for our senior citizens and others who are paying exorbitant prices.

This measure also affects on line pharmacies. We may have different points of view about whether this is a good thing, that we ought to be promoting, but the fact of the matter is that we should not be promoting boycotts of pharmacies that are trying to serve the orders of American consumers. My understanding is that there are about \$500 million in sales annually. Many of those people are, in fact, Maine citizens. Not only are Maine citizens going on the buses, they are seeking out other ways because we simply do not have the resources to provide prescription drug coverage for every person in the State of Maine who needs it. We'd like to be able to do that, but there is not enough money in the world to do that unless we lower drug prices.

So I urge that you join in and support this Joint Resolution so that we can send a message to the drug companies that their behavior is unacceptable. We need to work with them to reduce drug prices. Thank you.

On motion by Senator **MAYO** of Sagadahoc, **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Charter of the Eastport Port Authority" H.P. 95 L.D. 86

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act to Ensure Full Disclosure of the Source of Water Sold in Containers"

H.P. 28 L.D. 21

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

Signed:

Senators:

MARTIN of Aroostook
EDMONDS of Cumberland
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor
TWOMEY of Biddeford
HUTTON of Bowdoinham
MAKAS of Lewiston
SAVIELLO of Wilton
THOMPSON of China
TOBIN of Windham
ANNIS of Dover-Foxcroft

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

Signed:

Representative:

JOY of Crystal

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **MARTIN** of Aroostook, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator ROTUNDO for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize the Town of Medway to Sell Certain Land"

S.P. 62 L.D. 139

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Reduce the Tax Paid on Mahogany Quahogs"

S.P. 139 L.D. 402

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

Signed:

Senators:

DAMON of Hancock
PENDLETON of Cumberland
BENNETT of Oxford

Representatives:

BULL of Freeport
SULLIVAN of Biddeford
ASH of Belfast
MUSE of Fryeburg
McNEIL of Rockland
KAELIN of Winterport
BIERMAN of Sorrento
BOWEN of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

PERCY of Phippsburg

Reports **READ**.

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

Sent down for concurrence.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Bill "An Act to Repeal the Mandate to Perambulate the Municipal Boundary Lines when there is No Boundary Dispute"

H.P. 74 L.D. 66

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

HELD MATTER

On motion by Senator **DAVIS** of Piscataquis, under suspension of the Rules, the Senate **RECONSIDERED** whereby it **ADHERED** on the following:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax

S.P. 280 L.D. 801

(In Senate, February 20, 2003, on motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

(In House, February 25, 2003, **REFERRED** to the Committee on **TAXATION** and ordered printed, in **NON-CONCURRENCE**.)

(In Senate, February 26, 2003, on motion by Senator **TREAT** of Kennebec, the Senate **ADHERED**.)

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

ORDERS OF THE DAY

Unfinished Business

The following matters 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 (2/14/03) Assigned matter:

JOINT RESOLUTION - relative to requesting the President of the United States to Support Full Pursuit of Diplomatic Resolutions and Weapons Inspections

S.P. 163

Tabled - February 14, 2003, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **RECEDE** and **CONCUR**

(In Senate, February 4, 2003, on motion by Senator **STRIMLING** of Cumberland, **READ** and **ADOPTED**.)

(In House, February 11, 2003, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-8) AS AMENDED BY HOUSE AMENDMENT "A" (H-9)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECEDED**.

House Amendment "A" (H-8) **READ**.

Senator **TREAT** of Kennebec moved the Senate **CONCUR**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#20)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **TREAT** of Kennebec to **CONCUR**, **FAILED**.

House Amendment "A" (H-9) to House Amendment "A" (H-8) **READ** and **ADOPTED**, in concurrence.

Senator **DAVIS** of Piscataquis moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-8) as Amended by House Amendment "A" (H-9) thereto, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#21)

YEAS: Senators: BENNETT, BLAIS, CARPENTER, DAVIS, GILMAN, KNEELAND, LEMONT, MAYO, MITCHELL, NASS, PENDLETON, SAVAGE, SAWYER, SHOREY, TURNER, WESTON, WOODCOCK, YOUNGBLOOD

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DAVIS** of Piscataquis to **INDEFINITELY POSTPONE** House Amendment "A" (H-8) as Amended by House Amendment "A" (H-9) thereto, in **NON-CONCURRENCE**, **PREVAILED**.

Senator **DAVIS** of Piscataquis moved to **INDEFINITELY POSTPONE** the Joint Resolution, in **NON-CONCURRENCE**.

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

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

Senator **STRIMLING:** Thank you, Madame President. I'll cast my vote today against this motion in honor of our troops overseas and in hopes that every one of our men and women come home alive and well. I'll cast my vote today against this motion in honor of the thousands of Maine people who have spoken out against this war.

I will vote against this motion today in hopes that the President of our great country will use every means at his disposal to build a broad coalition with approval from the U.N. before he acts. I will vote against this motion today, finally, in hopes that when all is said and done, this war can be avoided so we can focus much needed attention on the economic issues we have here at home. Thank you, Madame President.

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

Senator **WOODCOCK:** Thank you, Madame President, men and women of the Senate. I will be supporting this motion today for a variety of reasons. It has been noted in many circles that perhaps this debate has raged well beyond its boundaries. I would concur with that. I stated in the original discussion that I felt that this was not the venue for this debate to occur. I am still feeling quite strongly that this is the case.

It's an odd irony, however, that of all of the e-mails, of all of the phone calls, of all of the letters that we have received, that probably the one group who will always remain silent but will be mostly heard, will be those veterans of this state who are buried in cemeteries from Kittery to the Fort Kent Valley, from the western mountains of Maine to Downeast. Their voices are silent today so that those who descend can be freely heard.

I will support this motion because I very strongly feel that the Congress of the United States and the President of the United States, be that President Republican or Democrat, is the venue for this debate. It is not the floor of this body. This has become a passionate issue for us all. Sometimes in the midst of passion, we tend to forget the issue. This is not an issue of war or anti-war. This is solely an issue of venue.

I will conclude today by saying that I believe the Senator from Cumberland, Senator Strimling, is honorable in his intentions. I understand his passion. Many years ago, a young man went off to war so that those who descend would have that right. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sawyer.

Senator **SAWYER:** Thank you, Madame President. I will be voting in favor of the motion to Indefinitely Postpone for two essential reasons. I apologize that I wasn't able to make these comments when we last took up this resolution.

Just a little background for you; in 1970 my wife graduated from the University of Southern Maine with a degree in nursing. Because of her family situation, Uncle Sam put her through nursing school, which ultimately led to her receiving her Masters, so she had an obligation to the United States and our government upon graduation from nursing school. She was stationed at Fitzsimmons Army Hospital during the height, arguably, of the Vietnam conflict, from 1970 through 1972. During those two years as a nurse, she spent her active duty time putting back together young men who were severely injured during that conflict. She has since retired as a Major from the Army Nurse Corps, having spent 18 years in the reserves in Bangor. Thankfully, for her and for us, she's not had to repeat that experience she had at Fitzsimmons Army Hospital. At that point, in 1972, we made a pact that we would never knowingly or intentionally undermine or put at any additional risk, if within our power, young men and women who are serving in the armed forces. So, I could not possibly vote in favor of a resolution, well intended as it may be, which could be perceived by men and women in uniform as somehow undermining what they are about.

I would like to share with you a quote from my President, our President, when he said; 'let every nation know, whether it wishes us well or ill, that we shall pay any price, bare any burden, meet any hardship, support any friend, and oppose any foe to assure the survival and success of freedom.' By the way, that was John Fitzgerald Kennedy in 1961.

I hope and pray that there are people, far more intelligent than anyone in this room or anyone in this state, who know what needs to be done to assure the survival and success of freedom. Thank you, Madame President.

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

Senator **TREAT:** Thank you, Madame President, men and women of the Senate. I'm going to be voting against the pending motion and the reason why is as follows.

I really must take issue with the comments of the Senator from Franklin, Senator Woodcock. I know they are from his heart, but my comments are equally so. To me, there can be no matter more important to debate than the matter of committing troops and making a decision as to go to war or whether we pursue negotiations and further strategies before that decision is made. Those debates can take place across our kitchen tables. They can take place, as they are, on college campuses. They take place, and they are today, in our churches. They take place in city counsels, which are passing resolutions. They can, and should, and indeed, are taking place here today on the floor of the Maine Senate. That is perfectly appropriate. These are momentous issues. We have opinions on those issues and we should express those opinions, particularly when it is a matter of such interest. Indeed there is debate and discussion amongst our constituents who, like this very body, are divided, rather evenly from my experience, on this issue about which way to go. It is a very healthy debate. It is a debate that has, in fact, supported our decisions in the past, as a country, to go to war and to preserve the opportunity to have that debate.

So I think this has been a very useful experience. It is not meant in any way as disrespectful for anyone who has a different point of view, or who is going to be traveling to the Gulf to represent and fight for the interests of the people of this state and this country. In fact, it is meant as a supportive resolution, to support the decisions that are ultimately made. It simply says to buy some time to make sure it's the right decision, to make sure that a peaceful means of accomplishing the same ends are pursued as far as possible. Reasonable people can and do differ, and we are differing. That is the appropriate thing to happen. For that reason, I will be voting no on the pending motion.

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

Senator **BLAIS:** Thank you, Madame President, women and men of the Senate. I will be voting in favor of the motion before us now, against the resolution. A vote against the resolution is not a vote for war. Some in this body think it perfectly suitable to send forth messages directing the President of the United States on how to conduct foreign policy based on a simple majority vote of this body. But those same people seem to be trying to tell our President that he must have unanimous consent in the United Nations Security Council before carrying out his constitutional duty to protect this nation. The United States did not receive approval from the United Nations when the decision was made to engage troops in Bosnia to protect Muslims in a conflict in which there was no direct threat to this nation.

We called on our President in overwhelming numbers after 9/11 to protect our homeland. Our President told us what needed to be done. He asked for and received the support of the United States Congress by a 2/3 vote in both the House and the Senate. I urge my colleagues in the Maine Senate to thoroughly consider this matter before voting in favor of a resolution that would urge our President to place our foreign policy under the auspices of the United Nations. It has already emboldened certain extreme views, in our public schools, that have brought national embarrassment to our state. This is not the message we should

be sending to our troops that Congress has authorized to be sent overseas.

If the majority wanted to introduce a resolution that recognized the horror of war, which we all recognize, and which expressed support for the difficult decisions that our Congress and our President have made in providing for the defense of our homeland, and which expressed support for our servicemen and women, it would have sailed through this legislature. But I am very concerned with this resolution which was designed to express a different sentiment; that the majority does not trust our President to make the right decision. They feel justified in telling him the manner in which he should carry out his constitutional duty. Sadly, they believe a collection of self-interested nations, with no allegiance to our form of government, is better suited to decide U.S. foreign policy than our elected representatives. If that is the truth, than God help us, for we have truly lost our way. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Hall.

Senator **HALL:** Thank you, Madame President. I rise with a heavy heart to speak on this subject. Many of us have already spoken with great sincerity and conviction. I speak as somebody who is an American by choice, not by accident. I love this country far more than life itself.

I also rise as somebody who has literally written the book on the history of arms control, at least written one of the standard texts that are used in our armed forces colleges.

But you do not need a Ph.D. in international relations to consider two points that I think should be obvious to every citizen of our state today. The first is, since September 11, 2001 America has undergone a dramatic and terrible transformation of our image in the world. On September 12th, the morning after, the outpouring of love, respect, and affection for this country moved me, and I think, every patriotic American.

To me, it is truly terrible today to see how we now stand alone once again. Everywhere that I have traveled in the past 3 months; Canada, Britain, Trinidad, countries that are truly among our greatest friends, there is a unanimous sense of despair and dismay about where America is heading.

When all of our friends ask us to stop and think again, we would be wise to stop and think again. Their concern is based on the simple fact that we are about to do something we have never done before in our 225 years of history; we are about to unilaterally undertake an offensive war. The last time that this happened in the world was in 1990, when Iraq invaded Kuwait and the world responded with enmity. I fear the enmity against us that I see around the world today.

The second point, which should be of concern to all of us, is when we look at the enmity and we see the one voice in the world that is urging us on to invade Iraq, the voice of Osama bin Laden.

It is for those reasons, Madame President, that I believe it is incumbent upon us to use our voice in any forum open to us, and certainly, it is appropriate for this legislature to consider matters that affect our standing in the world and on which it is morally incumbent on us to have our voices heard, and our positions recorded. Thank you, Madame President.

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

Senator **BENNETT:** Thank you, Madame President, fellow members of the Senate. It's become somewhat haggish to say that I didn't intend to speak on this today, but I truly didn't until I heard the comments of the previous speakers, which shows on their faces, are boldly inaccurate, and need to be responded to.

This war, if it comes to that, will not be pursued in a unilateral fashion. In fact, this whole resolution purports that this is some sort of unilateral act, that the President is not pursuing a diplomatic solution to this or diplomatic alliance to prosecute the war, if it comes to that. But that is far from the truth. In fact, the United Kingdom, Spain, Italy, and dozens of other nations will stand with the United States of America if this war comes to pass. In fact, 10 out of the 13 newly created nations in Europe, nations who have hungered for so long for self-determination and who were denied it by repressive tyrannies to their east, are standing with the United States of America. Maybe these counties are not as important as France and Germany, but I think they speak, and they speak loudly, for a lot of people all across a world that years for freedom and for self-determination.

It is time, if this war comes to pass, that we put aside the rhetoric about unilateralists and blaming America, and we start to work together as a country with other freedom-loving peoples around the world to create a better world for all citizens of the globe. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President. I rise to oppose the pending motion. I shan't give any opinion to my esteemed colleagues who have spoken before, or their views. But I rise to give voice to the people who have been contacting me about this issue. Mainers from all across this country, all across this state, and certainly all across my district have asked me, in overwhelming numbers, to oppose this motion and to support the resolution that we have before us. My latest tally is 357 to 34. But quite frankly, even if it weren't for those wishes, the wishes of my constituents and other Maine citizens, I would have to rise to oppose this pending motion. I do this not for non-support of our troops, for I firmly believe that we can love our warriors and not love our war. I do this not for lack of support for the premise that this debate is taken in this chamber; for I truly believe that it is part of the great democratic process that we all undertake. It is very opportune for us to speak to this issue. I'm not trying to direct foreign policy, but I am trying to give my voice, and the voice of those who have spoken, to this debate.

Finally, I rise to give voice to the one person who in my youth, tried to teach me, with much difficulty at that time I might add, the wisdom that when you are in a hurry, go slow. So for that, Dad, I understand your teaching and I urge us all to consider your promise. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Piscataquis, Senator Davis to Indefinitely Postpone 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 (#22)

YEAS: Senators: BENNETT, BLAIS, CARPENTER,
DAVIS, GILMAN, KNEELAND, LEMONT, MAYO,
MITCHELL, NASS, PENDLETON, SAVAGE,
SAWYER, SHOREY, TURNER, WESTON,
WOODCOCK, YOUNGBLOOD

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

18 Senators having voted in the affirmative and 17 Senators
having voted in the negative, the motion by Senator **DAVIS** of
Piscataquis to **INDEFINITELY POSTPONE** the Joint Resolution,
in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later
(2/18/03) Assigned matter:

Bill "An Act Related to the Sale of Personal Sports Mobiles"
H.P. 523 L.D. 717

Tabled - February 18, 2003, by Senator **SHOREY** of Washington

Pending - **REFERENCE**

(In House, February 14, 2003, **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

The Chair laid before the Senate the following Tabled and Later
(2/20/03) Assigned matter:

Resolve, To Improve Energy Efficiency in New School Buildings
S.P. 278 L.D. 799

Tabled - February 20, 2003, by Senator **DOUGLASS** of
Androscoggin

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later
(2/25/03) Assigned matter:

Bill "An Act To Improve Rights to Marine Resources"
S.P. 184 L.D. 544

Tabled - February 25, 2003, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

(Committee on **MARINE RESOURCES** suggested and ordered
printed.)

(In Senate, February 6, 2003, on motion by Senator **DAMON** of
Hancock, **REFERRED** to the Committee on **JUDICIARY**.)

(In House, February 20, 2003, **REFERRED** to the Committee on
MARINE RESOURCES and ordered printed, in **NON-
CONCURRENCE**.)

On motion by Senator **DAMON** of Hancock, the Senate
RECEDED and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later
(2/26/03) Assigned matter:

JOINT ORDER - relative to Directing the Joint Standing
Committee on State and Local Government To Report Out
Legislation Regarding the Maine Historic Preservation
Commission

H.P. 742

Tabled - February 26, 2003, by Senator **ROTUNDO** of
Androscoggin

Pending - **PASSAGE**, in concurrence

(In House, February 25, 2003, **READ** and **PASSED**.)

(In Senate, February 26, 2003, **READ**.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED**
to the Committee on **STATE AND LOCAL GOVERNMENT**, in
NON-CONCURRENCE.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later
(2/26/03) Assigned matter:

JOINT STUDY ORDER - relative to Establishing the Task Force
to Study the Functional Efficiencies in the Legislative Process
H.P. 726

Tabled - February 26, 2003, by Senator **TREAT** of Kennebec

Pending - **PASSAGE**

(In House, February 25, 2003, **READ** and **REFERRED** to the **JOINT SELECT COMMITTEE ON JOINT RULES**.)

(In Senate, February 26, 2003, **READ**.)

On motion by Senator **TREAT** of Kennebec, **REFERRED** to the **JOINT SELECT COMMITTEE ON JOINT RULES**, in concurrence.

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 Enforcement Training for Bureau of Parks and Lands Staff"

H.P. 773 L.D. 1055

Resolve, To Ensure Orderly Planning for the Allagash Wilderness Waterway

H.P. 774 L.D. 1056

Bill "An Act To Require Wilderness Management Training for the Manager of the Allagash Wilderness Waterway"

H.P. 809 L.D. 1106

Bill "An Act To Allow the Sale of Wood Chips by Uncertified Persons"

H.P. 817 L.D. 1114

Bill "An Act To Restructure the Power and Duties within the Animal Welfare Act"

H.P. 845 L.D. 1142

Bill "An Act Concerning Endangered and Invasive Plant Species"

H.P. 846 L.D. 1143

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce the Size of All Departments and Agencies"
H.P. 782 L.D. 1064

Bill "An Act To Establish a New Method of Determining the State Budget"

H.P. 796 L.D. 1078

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.

Bill "An Act To Allow Volunteer Social Work To Count towards Licensure"

H.P. 849 L.D. 1146

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Maine Historic Preservation Commission To Examine Available Funding for Local Historical Societies

H.P. 787 L.D. 1069

Bill "An Act Regarding Habitual Truants"

H.P. 800 L.D. 1082

Bill "An Act To Protect Children from Indecent Material on the Internet"

H.P. 806 L.D. 1103

Bill "An Act To Restore an Annual Adjustment for Costs to the School Funding Formula"

H.P. 815 L.D. 1112

Bill "An Act Regarding University of Maine System Boards of Visitors"

H.P. 819 L.D. 1116

Bill "An Act To Protect Children from Classes Contradictory to Their Religious Beliefs"

H.P. 833 L.D. 1130

Resolve, To Establish the Study Committee to Study the Feasibility of a 4-year High School Vocational Program (EMERGENCY)

H.P. 836 L.D. 1133

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

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Eliminate Filing by Special Hide Dealers"
H.P. 779 L.D. 1061

Bill "An Act To Encourage Hunting by Simplifying Hunting Laws"
H.P. 801 L.D. 1083

Bill "An Act To Allow A Junior Hunter To Apply for an Antlerless Deer Permit"
H.P. 825 L.D. 1122

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.

Bill "An Act To Extend Public Record Requirements of Nongroup Health Insurance Rate Filings to All Health Insurance Rate Filings"
H.P. 776 L.D. 1058

Bill "An Act To Require Insurers To Offer a Discount for Operators of Commercial Vehicles Equipped with Safety Devices"
H.P. 822 L.D. 1119

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 70

**121ST LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

March 4, 2003

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.3, I am appointing Senator Kenneth Gagnon of Kennebec to serve as President Pro Tempore during my absence on March 5th and 6th, 2003.

Please let me know if you have any questions.

Sincerely,

S/Beverly C. Daggett
President of the Senate

READ and ORDERED PLACED ON FILE.

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 Eligibility in the Maine State Retirement System Life Insurance Program"
H.P. 810 L.D. 1107

Bill "An Act Regarding Wrongful Discharge"
H.P. 820 L.D. 1117

Bill "An Act to Require that Certain Employees Be Paid on a Weekly Basis"
H.P. 834 L.D. 1131

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.

Bill "An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break"
H.P. 775 L.D. 1057

Bill "An Act To Require an Updated Roster of Maine Members of the United States Armed Forces Presumed Lost or Deceased"
H.P. 786 L.D. 1068

Bill "An Act To Prohibit a Maine Clean Election Act Candidate from Running for More than One Office"
H.P. 818 L.D. 1115

Bill "An Act To Clarify the Maine Clean Election Act"
H.P. 847 L.D. 1144

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Establishing a Study Group To Improve the Planning and Management for Multiple Uses of Marine Waters
H.P. 837 L.D. 1134

Comes 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.

Bill "An Act Regarding Water Storage Reservoirs"
H.P. 777 L.D. 1059

Bill "An Act Regarding Riverine Impoundments"
H.P. 840 L.D. 1137

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.

Bill "An Act Concerning Municipal Firearms Discharge Ordinances"
H.P. 781 L.D. 1063

Bill "An Act To Prohibit Disbursement of Funds by the State, Municipalities and Counties to Certain Nonprofits and Require the Secretary of State To Develop a System of Registration"
H.P. 792 L.D. 1074

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Land to Baron and Janet Wormser
H.P. 794 L.D. 1076

Bill "An Act To Study the Consolidation and Regionalization of Programs at All Levels of Government"
H.P. 821 L.D. 1118

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Duration of the Legislative Session
H.P. 826 L.D. 1123

Bill "An Act to Ensure Consistency in the Records and Documents of State and Local Government"
H.P. 829 L.D. 1126

Bill "An Act To Amend the Town Line between Yarmouth and Cumberland"
H.P. 831 L.D. 1128

Bill "An Act To Provide for the Appointment of County Treasurers, Registers of Deeds and District Attorneys"
H.P. 843 L.D. 1140

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Commissioner of Public Safety To Study the Emergency Medical Services System
H.P. 783 L.D. 1065

Bill "An Act Regarding Passing Bad Checks"
H.P. 812 L.D. 1109

Bill "An Act Creating an Alternate Concealed Weapons Permit Process"
H.P. 813 L.D. 1110

Bill "An Act To Implement Full Reciprocity of Concealed Weapons Requirements"
H.P. 814 L.D. 1111

Bill "An Act To Eliminate the Concealed Weapons Permit"
H.P. 828 L.D. 1125

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991"
H.P. 784 L.D. 1066

Bill "An Act To Extend the Duties of the Children's Ombudsman"
H.P. 791 L.D. 1073

Resolve, To Ensure Appropriate Care for Persons with Dementia
H.P. 793 L.D. 1075

Bill "An Act To Apply Uniform Fire Code Standards to Preschool Facilities Regardless of Funding Source"
H.P. 808 L.D. 1105

Resolve, To Establish Equitable Rates for In-home Behavioral Health Services for Children
H.P. 811 L.D. 1108

Bill "An Act Relating to the Reporting of Information to the Maine Health Data Organization"
H.P. 824 L.D. 1121

Resolve, To Study the Impact of 'Critical Access Facility' Designation of Maine Hospitals (EMERGENCY)
H.P. 855 L.D. 1156

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Filing and Certification Fees"
H.P. 790 L.D. 1072

Resolve, To Create the Committee To Conduct a Review of the Board of Overseers of the Bar
H.P. 795 L.D. 1077

Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws (EMERGENCY)
H.P. 797 L.D. 1079

Bill "An Act To Simplify Calculation of Legal Interest"
H.P. 835 L.D. 1132

Bill "An Act To Amend the Maine Business Corporation Act"
H.P. 839 L.D. 1136

Bill "An Act To Enhance the Economic Security of Maine's Families and Children"
H.P. 841 L.D. 1138

Bill "An Act To Include Alternates as Regular Jurors"
H.P. 854 L.D. 1155

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

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

Senate at Ease.

Senate called to order by the President.

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

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

On motion by Senator **DAVIS** of Piscataquis, **ADJOURNED** to Wednesday, March 5, 2003, at 10:00 in the morning.