

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
Wednesday
March 19, 2003

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

Presentation of Colors by Post 31, War Veterans' Color Guard of
Lewiston.

Pledge of Allegiance led by Senator Margaret Rotundo of
Androscoggin County.

Melanie Saucier of Fort Kent Elementary School performed the
National Anthem.

Prayer by Reverend Dr. Jesse James, Riverview Community
Congregational Parish in South Gardiner.

REVEREND JAMES: Let us pray. As we take this moment of
prayer, may each of us seek to receive divine inspiration and
direction for the proceedings of this hour. Where there is
confusion, may there be an inspiration of clarity. Where there is
discord, may there be an incentive to unity. Where there is a
stalemate, may there be a voice for a new direction. May each of
the members be renewed in their faith. Encourage those who are
here today, who daily strive to serve the people of Maine. We ask
for each of the members here to be given wisdom to guide the
citizens towards a better Maine, while preserving all that has been
entrusted to us. We quietly take this time to acknowledge our
need of our faith and the true source for all wisdom, strength, and
inspiration. May all that is said and done in these hallowed halls
be honorable and for the edification of the state and this great
nation. Amen.

Prayer by Reverend Paul Paré, St. Bridget's Parish in Vassalboro.

REVEREND PARÉ: Dieu, nous vous remercions pour ceux qui
sont venus avant nous et qui ont fondé notre état, pour nos
institutions politiques et religieuses, pour nos belles familles, pour
les gens ici présents qui se dévouent pour rendre notre société
juste et paisible, et pour tous ceux qui nous encouragent à
maintenir notre langue et notre culture, et celles des autres.

Gracious God, thank You for those who founded our beautiful
state, for our political and religious institutions, for our beloved
families, for all those assembled here today who seek to find just

solutions to problems that confront us, and for all those who
encourage us to respect and maintain our own heritage and
language as well as those of all other peoples. Amen.

Reading of the Journal of Tuesday, March 18, 2003.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify That
Possession of More Than 1 1/4 Ounces of Marijuana is a Crime"
S.P. 68 L.D. 145

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

In Senate, March 12, 2003, on motion by Senator **STRIMLING** of
Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**.

Comes from the House, Reports **READ** and the Bill and
accompanying papers **COMMITTED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY, in **NON-
CONCURRENCE**.

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

House Papers

Bill "An Act To Provide Financing Relief for Maine Dairy Farmers"
(EMERGENCY)

H.P. 1013 L.D. 1378

Comes 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.

Bill "An Act To Assist Maine Educators in Meeting the Quality
Requirements of the Federal Elementary and Secondary
Education Act of 1965" (EMERGENCY)

H.P. 1000 L.D. 1365

Bill "An Act To Ensure That No Maine Child Is Left behind by Improving the Overall Education of Disadvantaged Children and Complying with New Federal Education Funding Requirements"
H.P. 1009 L.D. 1374

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

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

Resolve, To Establish the Commission To Identify the Opportunities to Decrease the Occurrence of Developmental Disabilities and Childhood Mental Health Challenges
H.P. 999 L.D. 1364

Comes 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.

Bill "An Act To Ensure Boating Safety"
H.P. 1001 L.D. 1366

Comes 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 Create Lower-cost Health Insurance Options"
H.P. 998 L.D. 1363

Comes 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.

Bill "An Act To Promote Safety and Fair Labor Practices for Forestry Workers"
H.P. 1015 L.D. 1380

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

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

Bill "An Act Regarding Disclosures Required on Advertising by Candidates"
H.P. 997 L.D. 1362

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

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

Bill "An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses"
H.P. 1003 L.D. 1368

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.

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Release the State's Interests in an Easement Benefiting the Maine Criminal Justice Academy in Vassalboro
H.P. 1012 L.D. 1377

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

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

Bill "An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses"
H.P. 1002 L.D. 1367

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

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

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

Bill "An Act Regarding Limited Liability Companies"

H.P. 1011 L.D. 1376

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

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

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

Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

H.P. 1010 L.D. 1375

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

H.P. 1014 L.D. 1379

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

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

Resolve, To Establish the Commission on Comprehensive Energy Planning

H.P. 1008 L.D. 1373

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

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

**Pursuant to Statutes
Department of Professional and Financial Regulation, Bureau
of Insurance**

The **Department of Professional and Financial Regulation, Bureau of Insurance**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 840, Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY)

H.P. 1016 L.D. 1386

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1017

**JOINT RESOLUTION TO HONOR ST. PATRICK'S DAY
AND TO RECOGNIZE THE IRISH CONTRIBUTION TO
MAINE AND TO THE UNITED STATES**

WHEREAS, St. Patrick's Day is the only national holiday of a country that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, over 150 years ago a massive blight struck Ireland's potato crop, which forced millions of Irish people to emigrate to escape brutal poverty and starvation, and most of those people came to America; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and so many settled in Maine that the census figures in 1850 indicated that Maine cities had 11-23% of their populations as Irish-born immigrants; and

WHEREAS, within a few years of their arrival in the United States and in Maine, the Irish immigrants became part of American society and, while preserving the best of their own culture, dedicated themselves to helping build this Nation and this State; and

WHEREAS, the proud history of the Irish in America goes back to colonial times and there have been notable Americans with Irish ancestry from the Revolutionary War to modern times, including recent presidents John Fitzgerald Kennedy and Ronald Reagan; and

WHEREAS, the tradition of celebrating St. Patrick's Day is now a happy annual event no matter what one's heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, encourage the celebration of St. Patrick's Day, recognize the valuable contribution to our State and to our Nation by all Irish-American citizens, and urge the citizens of the State to commend and celebrate the integrity and richness of this culture.

Comes from the House, **READ** and **ADOPTED**.

READ.

On motion by Senator **WOODCOCK** of Franklin, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

COMMUNICATIONS

The Following Communication: H.P. 1004

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

February 26, 2003

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Enclosed please find my official certification to the 121st Legislature of the citizen initiative petition entitled "The Maine Tribal Gaming Act."

Sincerely,

S/Dan A. Gwadosky
Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 51,665 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 23, 2003, requesting that the Legislature consider an act entitled "The Maine Tribal Gaming Act."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 50,519.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-sixth day of February in the year two thousand and three.

S/Dan A. Gwadosky
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The accompanying Bill:

"An Act To Enact the Maine Tribal Gaming Act"
I.B. 1 L.D. 1370

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

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

The Following Communication: H.P. 1005

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

February 26, 2003

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Enclosed please find my official certification to the 121st Legislature of the citizen initiative petition entitled "An Act to Allow Slot Machines at Commercial Horse Racing Tracks."

Sincerely,

S/Dan A. Gwadosky
Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 56,581 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 23, 2003, requesting that the Legislature consider an act entitled "An Act to Allow Slot Machines at Commercial Horse Racing Tracks."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as

required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 50,519.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-sixth day of February in the year two thousand and three.

S/Dan A. Gwadosky
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The accompanying Bill:

"An Act to Allow Slot Machines at Commercial Horse Racing Tracks"

I.B. 2 L.D. 1371

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

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

The Following Communication: H.P. 1006

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

February 19, 2003

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Enclosed please find my official certification to the 121st Legislature of the citizen initiative petition entitled, "An Act to Enact the School Finance and Tax Reform Act of 2003."

Sincerely,

S/Dan A. Gwadosky
Secretary of State

State of Maine

Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 96,151 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 17, 2003, requesting that the Legislature consider an act entitled "An Act to Enact the School Finance and Tax Reform Act of 2003."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 50,519.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the nineteenth day of February in the year two thousand and three.

S/Dan A. Gwadosky
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The accompanying Bill:

"An Act To Enact the School Finance and Tax Reform Act of 2003"

I.B. 3 L.D. 1372

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

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

The Following Communication: S.C. 95

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 17, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 113 An Act to Transfer State Ownership of Certain Railroad Rights-of-way and Create the Calais to Eastport Rail Authority
- L.D. 150 Resolve, Directing That a Traffic Light Be Installed at an Intersection in York
- L.D. 221 An Act to Amend the Method of Establishing Evidence of Insurance
- L.D. 410 An Act To Change the Legislative License Plate to a Combination Plate
- L.D. 518 Resolve, To Provide a Traffic Light in Naples
- L.D. 576 An Act Concerning the Use of Safety Rear View Mirrors

- L.D. 219 An Act to Expand the Maine Residents Property Tax Program, the so-called "Circuit Breaker Program"
- L.D. 259 An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property
- L.D. 261 An Act To Require Disclosure Statements Regarding Proration of Property Taxes When Real Estate is Sold
- L.D. 526 An Act To Ensure Domestic Tranquility
- L.D. 530 An Act To Bring Equity to the Vehicle Excise Tax
- L.D. 587 An Act To Repeal the Sales Tax on All Over-the-counter Medications
- L.D. 613 An Act To Allow Vendors to Retain a Portion of Sales Tax They Collect to Cover Costs
- L.D. 725 An Act To Authorize Towns and Cities To Give Property Tax Relief to Volunteer Firefighters and Emergency Medical Services Providers
- L.D. 726 An Act to Eliminate the Maine Sales Tax on United States Flags
- L.D. 872 Resolve, To Require That the State Conduct a New Valuation of Private Properties in the Unorganized Territories of Aroostook County

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Pamela H. Hatch
Senate Chair

S/Rep. Ronald E. Usher
House Chair

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

The Following Communication: S.C. 96

**121ST LEGISLATURE
COMMITTEE ON TAXATION**

March 17, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1 An Act to Increase the Property Tax Exemption for Veterans
- L.D. 204 An Act To Require That the Excise Tax on Vehicles Be Based on the Purchase Price

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen Stanley
Senate Chair

S/Rep. David G. Lemoine
House Chair

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

SENATE PAPERS

Bill "An Act To Provide Self-regulation for Registered Dental Hygienists"

S.P. 460 L.D. 1390

Sponsored by Senator YOUNGBLOOD of Penobscot.
Cosponsored by Representative SULLIVAN of Biddeford and
Senators: BROMLEY of Cumberland, PENDLETON of
Cumberland, Representatives: CHURCHILL of Orland, ROGERS
of Brewer.

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

Sent down for concurrence.

Bill "An Act To Approve Public Charter Schools in Maine"
S.P. 461 L.D. 1391

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative SUSLOVIC of Portland and
Senators: GILMAN of Cumberland, NASS of York,
Representatives: DUGAY of Cherryfield, LEDWIN of Holden,
McKENNEY of Cumberland, MURPHY of Kennebunk, PIOTTI of
Unity, ROSEN of Bucksport.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Franco-American Heritage Center at St. Mary's - Le Centre d'Héritage Franco-Américain à Ste. Marie, in Lewiston, an important architectural and cultural symbol for the Franco-American community. A majority of the population in Lewiston/Auburn are of French-Canadian descent, and they and their ancestors have helped build the State's 2nd largest metropolis and endowed it with a rich history. The Center, established in the year 2000 at St. Mary's Church, serves as a community center to celebrate their history, and preserve and promote the Franco-American heritage. Museum space will be created to provide a place for the permanent display of artifacts and to preserve materials that document Franco-American culture. A state-of-the-art performance hall is envisioned for the main floor with a focus on performances that highlight the Franco-American culture. We applaud all those involved in creating a place in which to preserve and celebrate this important part of Maine's history;

Le Centre d'Héritage Franco-Américain à Ste. Marie à Lewiston, un symbole de culture et d'architecture important pour la communauté Franco-Américaine. La majorité de la population de Lewiston/Auburn sont de descendance Canadien-française. Leurs ancêtres et eux ont bâti la deuxième plus grande ville de l'état et lui ont laissé une riche histoire. Le Centre, établi en l'an 2000 à l'Eglise Ste-Marie, sert de centre communautaire pour célébrer l'histoire des franco-américains et préserver et promouvoir leur héritage. Le musée va fournir de l'espace pour le montage permanent d'artifacts et la préservation de matériaux qui

documente la culture franco-américaine. On envisonne une salle des plus moderne au premier étage pour des présentations qui célèbre la culture franco-américaine. Nous applaudissons tous ceux qui on participé a la création de cette endroit pour préserver et louer cette partie importante de l'histoire du Maine;
SLS 90

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Senator: DOUGLASS of Androscoggin,
Representatives: CRAVEN of Lewiston, MAILHOT of Lewiston,
MAKAS of Lewiston, O'BRIEN of Lewiston, WALCOTT of
Lewiston.

Connie Cote, of Auburn, for her significant role in promoting the Franco-American culture in her community. The founder of the first Franco-American Festival in New England, she served as its coordinator for 10 years in Lewiston and helped the Cities of Augusta and Biddeford implement their first festivals. She produced and directed several French operettas and musicals. For 36 years, she has been hosting WLAM's French radio program, "La Revue Francaise" and continues to air the top-rating show for the WMTW Portland Group. Connie is a board member of St. Mary's Franco-American Heritage Center and is a member of "La Survivance Francaise". Other civic contributions include being the church organist at St. Peter and St. Paul's and St. Patrick's, treasurer of the Androscoggin Valley Council of Governments and an Androscoggin County Commissioner. She represented Auburn for 12 years in the Maine House of Representatives, serving as Chair of the Judiciary in her last term. We applaud Connie's leadership in the promotion of all aspects of the Franco-American heritage and we extend our congratulations and best wishes to her;

SLS 83

Sponsored by Senator ROTUNDO of Androscoggin.
Under suspension of the rules, cosponsored by Senator:
DOUGLASS of Androscoggin, Representatives: SAMPSON of
Auburn, SHIELDS of Auburn, SIMPSON of Auburn, CRAVEN of
Lewiston, MAILHOT of Lewiston, MAKAS of Lewiston, O'BRIEN
of Lewiston, WALCOTT of Lewiston.

READ.

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

Senator **ROTUNDO:** Merci, Madam President, les hommes due Senate. C'est un honneur d'avoir parmi nous aujourd'hui des représentants les nombreuses organisations qui préservent et enrichissent l'héritage français dans cet état. Je voudrais signaler publiquement la présence parmi nous d'un ancien député à la Legislature, Madame Connie Cote, les member de la Survivance Française, and de Festival De Joie, et de Madame Rita Dubé, directrice du Centre d' Héritage Franco-Américain at Ste Marie à Lewiston, ainsi que le Fondateur du Centre, Monsieur Lionel Guay. Je veux les remercier pour toutes leurs magnifiques contributions à l'Etat du Maine. Nous en sommes très reconnaissants.

It's an honor to have with us today representatives from several organizations that preserve and enrich the Franco heritage of this state. I would like to publicly acknowledge the presence of former Representative, Connie Cote; members of La

Survivance Francaise and the Festivale de Joie; as well as Rite Dube, executive director of the Franco-American Heritage Center at St. Mary's in Lewiston; and Lionel Guay, the founder of the center. I want to thank them for the wonderful contributions they have made to the people of our state. We are all very deeply grateful. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Honorable Connie Cote, a former member of the other body. Would she please rise and accept the greetings of the Maine Senate. The Chair is also pleased to recognize in the rear of the Chamber Rita Dube, executive director of the Franco-American Heritage Center. Would she please rise and accept the greetings of the Maine Senate. The Chair is also pleased to recognize Lionel Guay, the founder of the Franco-American Heritage Center. Would he please rise and accept the greetings of the Maine Senate.

Off Record Remarks

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TAXATION** on Bill "An Act To Provide Health Coverage for Smokers Who Suffer from Smoking-related Illnesses"

H.P. 501 L.D. 684

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

The Committee on **TAXATION** on Bill "An Act To Regulate the Delivery Sales of Cigarettes and To Prevent the Sale of Cigarettes to Minors"

H.P. 910 L.D. 1236

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report **READ**.

On motion by Senator **STANLEY** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure"

H.P. 216 L.D. 273

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.

The Committee on **JUDICIARY** on Bill "An Act To Amend Certain Aspects of Post-conviction Review Procedure"

H.P. 269 L.D. 340

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.

The Committee on **JUDICIARY** on Bill "An Act To Specify Information Required in a Divorce Decree"

H.P. 542 L.D. 736

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.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Eliminate a Defunct Account in the Department of Agriculture, Food and Rural Resources" (EMERGENCY)

H.P. 433 L.D. 570

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-12).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12).**

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

READ ONCE.

Committee Amendment "A" (H-12) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-12)**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Empower Anglers in Fish Stocking Decisions" H.P. 91 L.D. 82

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-15).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-15).**

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

READ ONCE.

Committee Amendment "A" (H-15) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Amend the Law Pertaining to Notice of Nonrenewal of an Automobile Insurance Policy"

H.P. 12 L.D. 5

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-14).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-14).**

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

READ ONCE.

Committee Amendment "A" (H-14) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Resolve, to Designate the Interstate 95 From Augusta to Houlton as the Purple Heart Highway

H.P. 21 L.D. 14

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-13).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-13).**

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

READ ONCE.

Committee Amendment "A" (H-13) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Change of Committee

Senator LaFOUNTAIN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Amend the 2-year Qualified Medicare Beneficiary Eligibility Rule Relative to Medicare Supplement Insurance Access

S.P. 299 L.D. 903

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

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

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

Sent down for concurrence.

Ought to Pass

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify the Laws Relating to Public Water Systems"
S.P. 56 L.D. 133

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

Senate

Bill "An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority"
S.P. 212 L.D. 603

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act to Ensure that Child Labor Laws Apply to Public Sector Employers
S.P. 20 L.D. 34
(H "A" H-11)

An Act Concerning Full-time Law Enforcement and Corrections Officers
S.P. 74 L.D. 151

An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission
H.P. 182 L.D. 223

An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission
H.P. 183 L.D. 224

An Act to Amend the Energy Resources Council Membership
H.P. 193 L.D. 238

An Act To Amend the Law Regarding Security Officer Qualifications
H.P. 295 L.D. 375

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Resolve

Resolve, To Name the Washington County Portion of US Rt. 9 the Tony Tammaro Memorial Highway
H.P. 371 L.D. 482

FINALLY PASSED and having been signed by the President was presented by the Secretary to the Governor for his approval.

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 (3/18/03) Assigned matter:

Bill "An Act To Amend the Educators for Maine Program"
H.P. 985 L.D. 1340

Tabled - March 18, 2003, by Senator **TREAT** of Kennebec

Pending - **REFERENCE**

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

(In House, March 13, 2003, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.)

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

The Chair laid before the Senate the following Tabled and Later (3/18/03) Assigned matter:

Bill "An Act To Provide Student Loan Forgiveness to Maine Employees"

S.P. 455 L.D. 1384

Tabled - March 18, 2003, by Senator **DOUGLASS** of Androscoggin

Pending - **REFERENCE**

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

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act"

H.P. 1019 L.D. 1393

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Modernize the State's Tax System"

H.P. 1020 L.D. 1394

Bill "An Act for Comprehensive Reform of Maine's Tax Structure"

H.P. 1021 L.D. 1395

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reform Highway Reconstruction Project Cost-sharing"

H.P. 1018 L.D. 1392

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

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

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

PAPERS FROM THE HOUSE

Pursuant to Statutes

Department of Marine Resources

The **Department of Marine Resources**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

H.P. 1023 L.D. 1396

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

Comes from the House, Report **READ** and **ACCEPTED**, and the Resolve **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

riche histoire du peuple français dans l'Etat du Maine et aux Etats-Unis d'Amérique.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1022

**RÉSOLUTION CONJOINTE HONORANT
LES FRANCO-AMÉRICAINS**

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Calais et Paris dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française ou canadienne; et

Considérant que, les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'Etat; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-et-Unième Législature, assemblés dans la première session régulière, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré mercredi, 19 mars, 2003, à la Capitale de l'Etat; et qu'il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la

**JOINT RESOLUTION RECOGNIZING
FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France and the Maine towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-First Legislature, now assembled in the First Regular Session, on behalf of the people we represent, proclaim that Franco-American Day be celebrated on Wednesday, March 19, 2003, at the State Capitol; and be it further

RESOLVED: That We suggest that Franco-American Day be celebrated annually in March to commemorate the rich history of the French people in the State of Maine and the United States of America.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

Senator **ROTUNDO** of Androscoggin 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.

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

Senator **MAYO** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, March 20, 2003, at 10:00 in the morning.