

# MAINE STATE LEGISLATURE

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

Volume II

First Regular Session (Continued)  
May 21, 2003 to June 14, 2003

First Special Session  
August 21, 2003 to August 22, 2003

First Confirmation Session  
October 30, 2003

Second Regular Session  
January 7, 2004 to January 30, 2004

Second Special Session  
February 3, 2004 to March 18, 2004

Pages 715 - 1415

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

In Senate Chamber  
Tuesday  
March 16, 2004

Senate called to order by President Pro Tem Sharon A. Treat of  
Kennebec County.

Prayer by Reverend Arlene Tully, Randolph and East Pittston  
United Methodist Church.

**REVEREND TULLY:** Let us pray. All mighty God, we ask Your  
blessing upon Your servants gathered here this morning. We  
pray that You will guide and direct the important work that they do  
on behalf of the citizens that they represent. Inspire their  
deliberations this day, that they might reflect Your goodness,  
justice, and mercy. Holy God, we give thanks for each Senator  
here and for their commitment to the common good. Strengthen  
them in their integrity, wisdom, and compassion. Help them to  
discern what is good and right and true. Keep them faithful to  
their calling and give them the courage to be guided by their  
conscience rather than by political pressure or expediency or  
personal ambition. Enable them to be agents of Your will and  
sustain in them the unabashed hope of a future in which  
righteousness, justice, and mercy prevail. Amen.

Pledge of Allegiance led by Senator Kevin L. Shorey of  
Washington County.

Doctor of the day, Curtis Smith, M.D. of Warren.

Reading of the Journal of Thursday, March 11, 2004.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Remove the Designation of the Lake Christopher  
Wildlife Management Area as a Wildlife Management Area"  
S.P. 685 L.D. 1842

In Senate, March 10, 2004, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS  
AMENDED BY HOUSE AMENDMENT "A" (H-760), in NON-  
CONCURRENCE.**

On motion by Senator **BRYANT** of Oxford, the Senate  
**ADHERED.**

Sent down for concurrence.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.P. 766

STATE OF MAINE  
121<sup>ST</sup> MAINE LEGISLATURE

March 15, 2004

Sen. Pamela Henderson Hatch  
Senate Chair, Joint Standing Committee on  
Transportation  
Rep. Ronald E. Usher  
House Chair, Joint Standing Committee on  
Transportation  
121<sup>st</sup> Legislature  
Augusta, ME 04333

Dear Senator Hatch and Representative Usher:

Please be advised that Governor John E. Baldacci has nominated  
the Honorable Gerard P. Conley, Sr. of Portland for appointment  
as a member of the Maine Turnpike Authority.

Pursuant to Title 23 M.R.S.A. § 1965, this nomination will require  
review by the Joint Standing Committee on Transportation and  
confirmation by the Senate.

Sincerely,

S/Beverly C. Daggett  
President of the Senate

S/Patrick Colwell  
Speaker of the House

**READ and REFERRED** to the Committee on  
**TRANSPORTATION.**

Sent down for concurrence.

The Following Communication: S.C. 495

121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

March 11, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Major Craig A. Poulin of Gardiner, for appointment as Chief of the Maine State Police.

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

YEAS	Senators	3	Strimling of Cumberland, Carpenter of York, Hatch of Somerset
	Representatives	8	Blanchette of Bangor, Gerzofsky of Brunswick, Greeley of Levant, Grose of Woolwich, Maietta of South Portland, Mills of Farmington, Snowe-Mello of Poland, Sykes of Harrison
NAYS		2	Rep. Churchill of Washburn, Rep. Lessard of Topsham
ABSENT		0	

Eleven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Major Craig A. Poulin of Gardiner, for appointment as Chief of the Maine State Police be confirmed.

Signed,

S/Ethan Strimling  
Senate Chair

S/Patricia A. Blanchette  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

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

The Chair noted the absence of the Senator from Kennebec, Senator **DAGGETT** and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#263)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senators: DOUGLASS, LEMONT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Major Craig A. Poulin** of Gardiner, for appointment as Chief of the Maine State Police was **CONFIRMED**.

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

**THE PRESIDENT PRO TEM:** The Chair would like to recognize in the rear of the chamber Major Craig A. Poulin and his wife, Tracy. Will they please rise and accept the greetings of the Senate.

**Off Record Remarks**

The Following Communication: S.C. 496

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 10, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jean Gulliver of Falmouth, for reappointment to the State Board of Education.

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

YEAS	Senators	1	Douglass of Androscoggin
	Representatives	9	Cummings of Portland, Andrews of York, Davis of Falmouth, Finch of Fairfield, Fischer of Presque Isle, Gagne-Friel of Buckfield, Ledwin of Holden, Norton of Bangor, Thomas of Orono
NAYS	Representatives	1	Murphy of Kennebunk
ABSENT		2	Sen. Brennan of Cumberland, Sen. Mitchell of Penobscot

Ten members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Jean Gulliver of Falmouth, for reappointment to the State Board of Education be confirmed.

Signed,

S/Neria R. Douglass  
Senate Chair

S/Glenn A. Cummings  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#264)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senator: LEMONT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jean Gulliver** of Falmouth, for reappointment to the the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 497

#### 121<sup>ST</sup> LEGISLATURE COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

March 10, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Jack Norris of Wallagrass, for reappointment to the State Board of Education.

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

YEAS Senators 1 Douglass of Androscoggin

Representatives 10 Cummings of Portland,  
Andrews of York, Davis of  
Falmouth, Finch of Fairfield,  
Fischer of Presque Isle,  
Gagne-Friel of Buckfield,  
Ledwin of Holden, Murphy of  
Kennebunk, Norton of  
Bangor, Thomas of Orono

NAYS 0

ABSENT 2 Sen. Brennan of  
Cumberland, Sen. Mitchell of  
Penobscot

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Jack Norris of Wallagrass, for reappointment to the State Board of Education be confirmed.

Signed,

S/Neria R. Douglass  
Senate Chair

S/Glenn A. Cummings  
House Chair

#### READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#265)

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN,  
BROMLEY, BRYANT, CARPENTER, CATHCART,  
DAMON, DAVIS, DOUGLASS, EDMONDS,  
GAGNON, GILMAN, HALL, HATCH, KNEELAND,  
LAFOUNTAIN, MARTIN, MAYO, MITCHELL,  
NASS, PENDLETON, ROTUNDO, SAVAGE,  
SAWYER, SHOREY, STANLEY, STRIMLING,  
TURNER, WESTON, WOODCOCK,  
YOUNGBLOOD, THE PRESIDENT PRO TEM -  
SHARON A. TREAT

ABSENT: Senator: LEMONT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jack Norris** of Wallagrass, for reappointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 502

#### 121<sup>ST</sup> LEGISLATURE COMMITTEE ON LABOR

March 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Peter Leslie of Cape Elizabeth, for reappointment to the Maine Retirement System, Board of Trustees.

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

YEAS Senators 3 Edmonds of Cumberland,  
Blais of Kennebec, Stanley of  
Penobscot

Representatives 7 Cressey of Baldwin, Hatch of  
Skowhegan, Heidrich of  
Oxford, Jackson of Fort Kent,  
Patrick of Rumford, Treadwell  
of Carmel, Watson of Bath

NAYS 0

ABSENT 3 Rep. Smith of Van Buren,  
Rep. Hutton of Bowdoinham,  
Rep. Nutting of Oakland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter Leslie of Cape Elizabeth, for reappointment to the Maine Retirement System, Board of Trustees be confirmed.

Signed,

S/Beth G. Edmonds  
Senate Chair

S/William J. Smith  
House Chair

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

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **LABOR** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#266)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senator: LEMONT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Peter Leslie** of Cape Elizabeth, for reappointment to the Maine Retirement System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 503

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON LABOR**

March 12, 2004

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Eunice Mercier of Augusta, for reappointment to the Maine Retirement System, Board of Trustees.

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

YEAS	Senators	3	Edmonds of Cumberland, Blais of Kennebec, Stanley of Penobscot
	Representatives	7	Cressey of Baldwin, Hatch of Skowhegan, Heidrich of Oxford, Jackson of Fort Kent, Patrick of Rumford, Treadwell of Carmel, Watson of Bath
NAYS		0	
ABSENT		3	Rep. Smith of Van Buren, Rep. Hutton of Bowdoinham, Rep. Nutting of Oakland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Eunice Mercier of Augusta, for reappointment to the Maine Retirement System, Board of Trustees be confirmed.

Signed,

S/Beth G. Edmonds  
Senate Chair

S/William J. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **LABOR** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#267)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senator: LEMONT

EXCUSED: Senator: DAGGETT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Eunice Mercier** of Augusta, for reappointment to the Maine Retirement System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 504

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON LABOR**

March 12, 2004

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

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 121<sup>st</sup> Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Benedetto Viola of Scarborough, for appointment to the Maine Retirement System, Board of Trustees.

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

YEAS Senators 3 Edmonds of Cumberland,  
Blais of Kennebec, Stanley of  
Penobscot

Representatives 6 Cressey of Baldwin, Hatch of  
Skowhegan, Heidrich of  
Oxford, Patrick of Rumford,  
Treadwell of Carmel, Watson  
of Bath

NAYS 0

ABSENT 4 Rep. Smith of Van Buren,  
Rep. Nutting of Oakland,  
Rep. Hutton of Bowdoinham,  
Rep. Jackson of Fort Kent

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Benedetto Viola of Scarborough, for appointment to the Maine Retirement System, Board of Trustees be confirmed.

Signed,

S/Beth G. Edmonds  
Senate Chair

S/William J. Smith  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following:  
"Shall the recommendation of the Committee on **LABOR** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#268)**

YEAS: Senators: None

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, BRYANT, CARPENTER, CATHCART, DAMON, DAVIS, DOUGLASS, EDMONDS, GAGNON, GILMAN, HALL, HATCH, KNEELAND, LAFOUNTAIN, MARTIN, MAYO, MITCHELL, NASS, PENDLETON, ROTUNDO, SAVAGE, SAWYER, SHOREY, STANLEY, STRIMLING, TURNER, WESTON, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - SHARON A. TREAT

ABSENT: Senator: LEMONT

EXCUSED: Senator: DAGGETT



No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Benedetto Viola** of Scarborough, for appointment to the Maine Retirement System, Board of Trustees was **CONFIRMED**.

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

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Off Record Remarks

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The Following Communication: S.C. 493

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 3, 2004

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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1835     An Act To Increase Penalties for Certain  
Violent Crimes Committed against Senior  
Citizens

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling                      S/Rep. Patricia A. Blanchette  
Senate Chair                                      House Chair

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

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The Following Communication: S.C. 494

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 9, 2004

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 Judiciary has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1070     An Act To Increase Traffic Fines and Apportion  
a Part of the Increase to the Issuing Jurisdiction

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton                      S/Rep. William S. Norbert  
Senate Chair                                      House Chair

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

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The Following Communication: S.C. 498

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON TAXATION**

March 10, 2004

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

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Taxation from the review and evaluation of the Department of Administrative and Financial Services, Bureau of Revenue Services under the State Government Evaluation Act. In its review, the Committee found that the Bureau is operating within its statutory authority.

Five members of the Committee (Senator Nass and Representatives Clough, Courtney, McCormick and Tardy) recommend that 7 vacant nonrevenue generating positions be permanently eliminated from the Bureau's position count and that the funding for those positions be deappropriated in order to reduce the overall costs of State Government.

Sincerely,

S/Senator Steven S. Stanley  
Chair

S/Representative David G. Lemoine  
Chair

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

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The Following Communication: S.C. 499

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON TAXATION**

March 10, 2004

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

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Taxation from the review and evaluation of the State Board of Property Tax Review under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator Steven S. Stanley  
Chair

S/Representative David G. Lemoine  
Chair

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

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The Following Communication: S.C. 500

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

March 10, 2004

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

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

Dear President Daggett and Speaker Colwell:

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

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

Sincerely,

S/Francis Ackerman  
Assistant Attorney General

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

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The Following Communication: S.C. 501

**121<sup>ST</sup> LEGISLATURE  
COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

March 12, 2004

The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature  
State House  
Augusta, ME 04330

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Health and Human Services from the review and evaluation of the Maine Children's Trust Incorporated under the State Government Evaluation Act. In its review, the committee found that the Maine Children's Trust Incorporated is operating within its statutory authority and is meeting its statutory mandate.

Sincerely,

S/Senator Michael F. Brennan  
Chair

S/Representative Thomas J. Kane  
Chair

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

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**SENATE PAPERS**

Bill "An Act To Modify Taxation of Benefits under Employee Retirement Plans, Including Retirement Plans for Teachers"  
S.P. 764 L.D. 1927

Sponsored by Senator GAGNON of Kennebec.  
Cosponsored by Representative SIMPSON of Auburn and  
Senators: BRYANT of Oxford, HATCH of Somerset, STANLEY of  
Penobscot, STRIMLING of Cumberland, WOODCOCK of  
Franklin, Representatives: EARLE of Damariscotta, MARLEY of  
Portland, THOMPSON of China.  
Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

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**ORDERS**

**Joint Resolution**

On motion by Senator **WESTON** of Waldo (Cosponsored by  
Representative ASH of Belfast and Senators: BENNETT of  
Oxford, BLAIS of Kennebec, PENDLETON of Cumberland,  
STRIMLING of Cumberland, Representatives: EARLE of  
Damariscotta, FLETCHER of Winslow, MURPHY of Kennebunk,  
TWOMEY of Biddeford), the following Joint Resolution:  
S.P. 765

**JOINT RESOLUTION DECLARING THE ANNIVERSARY  
OF THE BIRTH OF  
JAMES MADISON TO BE OBSERVED AS LIBERTY DAY**

WHEREAS, our rights and liberties are expounded in the  
cherished documents that our founding fathers created, which are  
the Declaration of Independence and the United States  
Constitution with its Bill of Rights; and

WHEREAS, the patriot James Madison, 4th President of the  
United States, was a contributing author of the Virginia Plan, the  
model and the basis for the United States Constitution, which  
emerged from the Constitutional Convention of 1787, establishing  
a new form of government and replacing the Articles of  
Confederation; and

WHEREAS, James Madison kept written records of the debates  
during the Constitutional Convention of 1787, those debates and

the compromises created from those debates later becoming an  
integral part of producing the United States Constitution; and

WHEREAS, James Madison wrote many of the newspaper  
articles that outlined the reason why the states should endorse a  
new constitution; and

WHEREAS, these articles, cowritten with Alexander Hamilton and  
John Jay, became known as the Federalist Papers, and they still  
endure as some of the best arguments for our form of  
government; and

WHEREAS, James Madison served in the United States House of  
Representatives from 1789 until 1797, during which time he  
introduced into Congress the Bill of Rights, which was ratified by  
the states in 1791; and

WHEREAS, James Madison served as Secretary of State from  
1801 until 1809 and as President of the United States from 1809  
until 1817; and

WHEREAS, it is fitting that Tuesday, March 16, 2004, the 253rd  
anniversary of the birth of James Madison, be observed as  
Liberty Day throughout the State, a celebration of the Declaration  
of Independence and the United States Constitution, where our  
unalienable rights and liberties are proclaimed; now, therefore, be  
it

**RESOLVED:** That, We, the Members of the One Hundred and  
Twenty-first Legislature, now assembled in the Second Special  
Session, on behalf of the people we represent, pause in  
remembrance of our freedom, our rights and our liberties as  
citizens of the United States of America; and be it further

**RESOLVED:** That a suitable copy of this resolution, duly  
authenticated by the Secretary of State, be placed in a public  
common area for viewing by the citizens of the State.

**READ.**

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator  
from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President, men and  
women of the Senate. The celebration of anniversaries causes  
us to pause and remember. Today we remember James  
Madison and his contribution to our Constitution. The Lions Clubs  
of Maine, who sponsor Liberty Day Maine, reminds us that the  
Declaration of Independence was the promise and the  
Constitution was the fulfillment. Thank you.

On motion by Senator **WESTON** of Waldo, **ADOPTED**.

Ordered sent down forthwith for concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Operations of the Department of Corrections and the Safety of State Correctional Facilities" H.P. 1286 L.D. 1764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-749).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749).**

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

**READ ONCE.**

Committee Amendment "A" (H-749) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Update Laws Affecting the Military" H.P. 1274 L.D. 1752

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-752).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-752).**

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

**READ ONCE.**

Committee Amendment "A" (H-752) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Election Laws" H.P. 1277 L.D. 1755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-753).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-753).**

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

**READ ONCE.**

Committee Amendment "A" (H-753) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws" H.P. 1338 L.D. 1816

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-754).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754).**

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

**READ ONCE.**

Committee Amendment "A" (H-754) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish Instant Run-off Voting" H.P. 171 L.D. 212

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-751).**

Signed:

Senators:  
GAGNON of Kennebec  
MAYO of Sagadahoc

Representatives:  
CLARK of Millinocket  
PATRICK of Rumford  
BLANCHETTE of Bangor  
CANAVAN of Waterville  
JENNINGS of Leeds  
LANDRY of Sanford

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

Signed:

Senator:  
LEMONT of York

Representatives:  
GLYNN of South Portland  
HOTHAM of Dixfield  
BROWN of South Berwick  
MOORE of Standish

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751)**.

Reports **READ**.

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Unemployment Benefits from State Income Tax" (EMERGENCY)

H.P. 1267 L.D. 1745

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

Signed:

Senator:  
NASS of York

Representatives:  
McGOWAN of Pittsfield  
TARDY of Newport  
McCORMICK of West Gardiner  
SIMPSON of Auburn  
CLOUGH of Scarborough  
COURTNEY of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-755)**.

Signed:

Senators:  
STANLEY of Penobscot  
STRIMLING of Cumberland

Representatives:  
LEMOINE of Old Orchard Beach  
SUSLOVIC of Portland  
PERRY of Bangor  
LERMAN of Augusta

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **STANLEY** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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**Senate**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Health Data Information and Health Planning"

S.P. 175 L.D. 535

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

Signed:

Senator:  
BRENNAN of Cumberland

Representatives:  
KANE of Saco  
DUGAY of Cherryfield  
CRAVEN of Lewiston  
EARLE of Damariscotta  
PERRY of Calais  
CAMPBELL of Newfield  
WALCOTT of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-426)**.

Signed:

Senator:  
WESTON of Waldo

Representatives:  
CURLEY of Scarborough  
SHIELDS of Auburn  
LEWIN of Eliot

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Safe Staffing Levels for Patients and To Retain Registered Nurses" S.P. 225 L.D. 616

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-427)**.

Signed:

Senators:  
BRENNAN of Cumberland  
MARTIN of Aroostook  
WESTON of Waldo

Representatives:  
EARLE of Damariscotta  
CRAVEN of Lewiston  
KANE of Saco  
CURLEY of Scarborough  
WALCOTT of Lewiston  
PERRY of Calais

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

Signed:

Representatives:  
SHIELDS of Auburn  
DUGAY of Cherryfield  
CAMPBELL of Newfield  
LEWIN of Eliot

Reports **READ**.

On motion by Senator **BRENNAN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-427) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Resolve, Related to Aquaculture Leases in Blue Hill Bay S.P. 410 L.D. 1279

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

Signed:

Senator:  
BENNETT of Oxford

Representatives:  
BULL of Freeport  
ASH of Belfast  
DUGAY of Cherryfield  
PERCY of Phippsburg  
MUSE of Fryeburg  
McNEIL of Rockland  
BIERMAN of Sorrento  
RECTOR of Thomaston

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

Signed:

Senators:  
DAMON of Hancock  
PENDLETON of Cumberland

Representative:  
SULLIVAN of Biddeford

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Minority **OUGHT TO PASS** Report **ACCEPTED**.

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment" S.P. 407 L.D. 1261

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-424)**.

Signed:

Senators:  
HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
LUNDEEN of Mars Hill  
MOODY of Manchester  
ADAMS of Portland  
BERRY of Belmont  
BLISS of South Portland  
RICHARDSON of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-425)**.

Signed:

Representative:

GOODWIN of Pembroke

Reports **READ**.

On motion by Senator **HALL** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424)** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-424) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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Off Record Remarks

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**SECOND READERS**

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

**House As Amended**

Bill "An Act to Address the Temporary Maximum Levels of Assistance for General Assistance Established in 1991"

H.P. 784 L.D. 1066  
(C "A" H-738)

Bill "An Act To Provide Accurate Vital Records for Adults in Maine"

H.P. 1217 L.D. 1640  
(C "A" H-739)

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

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Senate

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Bill "An Act To Improve the Viability of Railroads Operating in Maine"

S.P. 757 L.D. 1918

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources

H.P. 1359 L.D. 1834

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

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**Mandate**

An Act To Revise the Minimum Firefighter Safety Standards

H.P. 1311 L.D. 1789  
(C "A" H-691)

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

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**Acts**

An Act To Make Polling Places More Convenient

H.P. 1216 L.D. 1639

An Act To Amend Transportation Laws

S.P. 605 L.D. 1654  
(C "A" S-406)

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

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An Act To Promote Responsible Pet Ownership  
H.P. 1285 L.D. 1763  
(C "A" H-727)

On motion by Senator **CATHCART** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

#### SENATE PAPERS

##### Pursuant to Joint Order Joint Select Committee on Regionalization and Community Cooperation

Senator **DAMON** for the **Joint Select Committee on Regionalization and Community Cooperation**, pursuant to Joint Order 2004, S.P. 689 asked leave to report that the accompanying Bill "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies"  
S.P. 767 L.D. 1930

Be **REFERRED** to the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

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

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

H.P. 1420 L.D. 1919

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$4,822,368 To Provide Funds To Repair and Upgrade Maine Army National Guard Armories and Facilities and for the Challenger Learning Center of Maine"

H.P. 1428 L.D. 1928

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

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

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

#### PAPERS FROM THE HOUSE

##### House Paper

Bill "An Act To Change the Name of Township 17, Range 5, WELS, in the Unorganized Territory to Cross Lake" (EMERGENCY)

H.P. 1425 L.D. 1925

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

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

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

#### PAPERS FROM THE HOUSE

##### House Paper

Bill "An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources"

H.P. 1429 L.D. 1929

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.

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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. 1427

### JOINT RESOLUTION RECOGNIZING MARCH AS NATIONAL WOMEN'S HISTORY MONTH

WHEREAS, March has been annually designated as National Women's History Month in order to celebrate the contributions of women to our society; and

WHEREAS, the theme for National Women's History Month 2004 is "Women Inspiring Hope and Possibility," which celebrates the hope and sense of possibility that come to our lives from the inspirational work of women; and

WHEREAS, hope comes in many forms, from women challenging and changing laws, women conducting new medical research, women sharing stories of compassion, leadership and courage and women watching women stand tall against great odds; and

WHEREAS, women from all walks of life, all over the nation, inspire hope and possibility, as mentors and examples and as athletes, activists, writers, scientists, educators, homemakers, advocates, politicians and survivors; and

WHEREAS, the State of Maine is known and respected for its long list of accomplished women in our society, be it in politics, literature, sports or entertainment, and we take this opportunity to make note of some of these Maine women who have been beacons of hope and inspiration to all people in our State; and

WHEREAS, we honor and celebrate the following famous Maine women who have inspired us, Maine Women's Hall of Fame inductees: Senator Margaret Chase Smith, Mable Sine Wadsworth, Gail H. Laughlin, Elizabeth S. Russell, Ninetta May Runnals, Gilda E. Nardone, Dorothy Murphy Healy, Esther Elizabeth Wood, Eloise A. Vitelli, Elizabeth (Liz) W. Crandall, Ed.D., Marti Stevens, Mildred Brown Schrupf, Ethel (Billie) Wilson Gammon, Lois Galgay Reckitt, Elizabeth (Libby) H. Mitchell, Olympia J. Snowe, Caroline Gentile, Joan Benoit Samuelson, Linda Smith Dyer, Chellie Pingree, Theodora June Kalikow and Nancy H. Hensel; and

WHEREAS, we also take this opportunity to honor and celebrate all those Maine women who have not achieved fame but who have given hope and inspiration through their daily action; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the Second Special Session, on behalf of the people we represent, take this opportunity to honor and celebrate March as National Women's History Month and to extend our sincere appreciation to all Maine women who have unselfishly given hope and inspiration.

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

**READ** and **ADOPTED**, in concurrence.

## 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 (1/14/04) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation"

H.P. 1116 L.D. 1525

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-626)** (3 members)

Tabled - January 14, 2004, by Senator **PENDLETON** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, January 13, 2004, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, January 14, 2004, Reports **READ**.)

At the request of Senator **CATHCART** of Penobscot a Division was had. 19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **PENDLETON** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (3/10/04) Assigned matter:

SENATE REPORT - from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Authorize the STARBASE Program"

S.P. 622 L.D. 1690

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-423)**

Tabled - March 10, 2004, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 10, 2004, Report **READ**.)

Senator **GAGNON** of Kennebec moved the Senate **ACCEPT** the Report.

At the request of Senator **ROTUNDO** of Androscoggin a Division was had. 22 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **GAGNON** of Kennebec to **ACCEPT** the Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-423) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senate at Ease.

Senate called to order by President Pro Tem  
**SHARON A. TREAT** of Kennebec County.

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Off Record Remarks

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

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Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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

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On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, to Wednesday, March 17, 2004, at 10:00 in the morning.