

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

In Senate Chamber  
Tuesday  
March 11, 2003

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

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Prayer by Reverend Donald Smith, Good Will Hinckley Home for Boys & Girls in Hinckley.

**REVEREND SMITH:** Merciful Lord, first and foremost this morning, we lift up the Armed Forces of the United States who are deployed in the Middle East. We ask for their safety and for comfort for them and their families. We lift up the world leaders that are, even now, wrestling with the issues involved and ask that You would give them wisdom. Father, if there be any way that there be a peaceful resolution to this conflict, would You work that out?

Father, I lift up the men and women of this chamber today and I ask that You would grant them the endurance of athletes, to be able to give their very best today in spite of difficulties, tiredness, or sickness; I ask that You would help them be alert.

Father, I ask that You give them the courage of warriors, that they would be able to resist the personal and political ambitions, selfish desires, and be able to stand up for their convictions and for what they know is right in their hearts.

Father, I ask that You give them the compassion of saints, that they would realize and know that every decision that they make affects real human lives; men, women, and children, and be aware of those needs and responsibilities.

And Father, I ask that You would grant them the humility of servants, delivering them from pride and arrogance, and reminding them that they are here to serve the great people of this great State of Maine. Amen.

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Pledge of Allegiance led by Senator Carolyn M. Gilman of Cumberland County.

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Doctor of the day, Michael Baumann, M.D. of Falmouth.

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

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, To Improve Energy Efficiency in New School Buildings

S.P. 278 L.D. 799

In Senate, March 4, 2003, on motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

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

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

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**House Papers**

Bill "An Act To Amend the Regional Economic Development Revolving Loan Program"  
H.P. 914 L.D. 1240

Bill "An Act To Exclude Inclined Stairway Chairlifts from the Definition of Elevator"  
H.P. 917 L.D. 1243

Bill "An Act To Increase Returnable Beverage Container Redemption Rates"  
H.P. 931 L.D. 1257

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

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

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Bill "An Act To Prohibit Unethical Drug Marketing Practices"  
H.P. 930 L.D. 1256

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

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

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Bill "An Act To Increase the Penalties for a Person Who Vandalizes Cemetery Property"  
H.P. 918 L.D. 1244

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

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Bill "An Act To Provide Tuition Subsidies for Students in High-growth Areas"  
H.P. 915 L.D. 1241

Bill "An Act To Provide an Exception to the Laws Governing Fingerprinting of Educational Personnel" (EMERGENCY)  
H.P. 924 L.D. 1250

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.

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Bill "An Act To Permit Sebago Lake Mooring Extensions" (EMERGENCY)  
H.P. 929 L.D. 1255

Bill "An Act Regarding Hunting Hours, Permits and Seasons"

H.P. 933 L.D. 1259

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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Resolve, Regarding Searches of Curtilage by Certain State Agencies

H.P. 920 L.D. 1246

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

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

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Bill "An Act Concerning Disability Retirement Benefits under the Maine State Retirement System"

H.P. 922 L.D. 1248

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.

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Bill "An Act To Recognize the Regional Impact of Casino-style Gambling Facilities"

H.P. 916 L.D. 1242

Bill "An Act To Increase Access to Information Regarding Referendum Questions"

H.P. 925 L.D. 1251

Bill "An Act To Change the Maine Clean Election Laws"

H.P. 928 L.D. 1254

Come 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.

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Bill "An Act to Ensure Playground Safety"

H.P. 927 L.D. 1253

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

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

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Bill "An Act To Lower the Tax on Prepared Food from 7% to 5%"

H.P. 921 L.D. 1247

Bill "An Act To Amend the Laws Governing the Quality Child Care Tax Credit"

H.P. 923 L.D. 1249

Bill "An Act To Ensure Appropriate Education for Health Care Workers"

H.P. 932 L.D. 1258

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.

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Resolve, Regarding the Widening of Route 26 in Poland

H.P. 919 L.D. 1245

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

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

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Bill "An Act To Authorize Water and Wastewater Districts To Lease Their Assets"

H.P. 926 L.D. 1252

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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### COMMUNICATIONS

The Following Communication:

S.C. 82

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

March 6, 2003

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 Susan Ann Gendron of Raymond, for appointment as the Commissioner of the Department 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	3	Douglass of Androscoggin, Brennan of Cumberland, Mitchell of Penobscot
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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 0

Thirteen 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 Susan Ann Gendron of Raymond, for appointment as the Commissioner of the Department 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 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 (#23)**

YEAS: Senators: None

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

ABSENT: Senators: BRENNAN, LAFOUNTAIN, PENDLETON

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Susan Ann Gendron** of Raymond, for appointment as the Commissioner of the Department of Education 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. 83

**121<sup>ST</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
TRANSPORTATION**

March 10, 2003

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 Transportation has had under consideration the nomination of David A. Cole of Brewer, for appointment as the Commissioner of the Department of Transportation.

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

YEAS	Senators	2	Hatch of Somerset, Savage of Knox
	Representatives	8	Usher of Westbrook, Browne of Vassalboro, Collins of Wells, Jodrey of Bethel, Marley of Portland, McNeil of Rockland, Paradis of Frenchville, Sampson of Auburn
NAYS		0	
ABSENT		3	Sen. Damon of Hancock, Rep. Marrache of Waterville, Rep. McKenney of Cumberland

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 David A. Cole of Brewer, for appointment as the Commissioner of the Department of Transportation be confirmed.

Signed,

S/Pamela H. Hatch  
Senate Chair

S/Ronald E. Usher  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** 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 (#24)**

YEAS: Senators: None

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

ABSENT: Senators: LAFOUNTAIN, PENDLETON

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **David A. Cole** of Brewer, for appointment as the Commissioner of the Department of Transportation 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. 79

**121<sup>ST</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

March 6, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- |          |   |
|----------|---|
| L.D. 176 | An Act To Require the State To Hold Title to All Land and Easements Purchased with the Land for Maine's Future Fund |
| L.D. 300 | An Act To Ban the Hunting of Animals in an Enclosed Area  |
| L.D. 431 | An Act To Increase Educational Certification for Humane Agents and Animal Control Officers                          |

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

Sincerely,

S/Sen. Bruce Bryant  
Senate Chair

S/Rep. Linda Rogers McKee  
House Chair

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

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The Following Communication:

S.C. 80

**121<sup>ST</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TAXATION**

March 6, 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 bill out "Ought Not to Pass":

L.D. 99      An Act to Repeal the Tax Incentive for Certain Shipbuilding Facilities

We have also notified the sponsor and cosponsors 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.**

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The Following Communication:

S.C. 81

**121<sup>ST</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TRANSPORTATION**

March 6, 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. 172      An Act To Improve Safety on the Maine Turnpike

L.D. 462      An Act To Direct the Department of Transportation to Incorporate Regionalism into the Transit Bonus Payment Program

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.**

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Off Record Remarks

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**SENATE PAPERS**

Bill "An Act To Amend the Laws Governing Agricultural Marketing and Bargaining"  
S.P. 413 L.D. 1282



Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Senator BENNETT of Oxford, Representative SMITH of Van Buren and Senator: STANLEY of Penobscot, Representatives: BENNETT of Caribou, FISCHER of Presque Isle, JACKSON of Fort Kent, JOY of Crystal.

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

Sent down for concurrence.

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Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Capital Projects and Major Maintenance at State and Municipal Parks and Historic Sites, for Acquiring Land for Coastal and Inland Waterway Access and for Capitalizing a Revolving Loan Fund for Land Trusts and Municipalities To Acquire Land and Conservation Easements for Public Access"

S.P. 423 L.D. 1292

Sponsored by President DAGGETT of Kennebec.

Cosponsored by Senator HALL of Lincoln, Speaker COLWELL of Gardiner and Senators: CATHCART of Penobscot, DAVIS of Piscataquis, MARTIN of Aroostook, Representatives: BUNKER of Kossuth Township, EARLE of Damariscotta, KOFFMAN of Bar Harbor, LERMAN of Augusta.

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

Sent down for concurrence.

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Bill "An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers"

S.P. 409 L.D. 1278

Sponsored by Senator DAMON of Hancock.

Bill "An Act To Amend the Motor Vehicle Franchise Law"

S.P. 425 L.D. 1294

Sponsored by Senator LaFOUNTAIN of York.

Cosponsored by Representative O'NEIL of Saco and Senators: BROMLEY of Cumberland, President DAGGETT of Kennebec, MAYO of Sagadahoc, SHOREY of Washington, Representatives: CLOUGH of Scarborough, O'BRIEN of Augusta, PELLON of Machias, SULLIVAN of Biddeford.

Bill "An Act To Encourage and Support Maine Owner-operated Small Businesses"

S.P. 427 L.D. 1325

Sponsored by Senator BROMLEY of Cumberland.

Cosponsored by Representative SULLIVAN of Biddeford and Senators: HALL of Lincoln, SHOREY of Washington, Representatives: AUSTIN of Gray, O'BRIEN of Lewiston, RECTOR of Thomaston.

Bill "An Act To Provide for the 2003 and 2004 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 428 L.D. 1326

Sponsored by Senator BROMLEY of Cumberland.

Cosponsored by Representative SULLIVAN of Biddeford and Senators: HALL of Lincoln, SHOREY of Washington, Representatives: AUSTIN of Gray, O'BRIEN of Lewiston, RECTOR of Thomaston.

Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

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

Sent down for concurrence.

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Bill "An Act To Amend the Life Safety Requirements for Residential Care Facilities"  
S.P. 418 L.D. 1287

Sponsored by President DAGGETT of Kennebec.  
Cosponsored by Representative FLETCHER of Winslow and Senators: BROMLEY of Cumberland, GAGNON of Kennebec, HATCH of Somerset, STRIMLING of Cumberland.

Bill "An Act To Increase Public Access to the Prior Authorization Process"  
S.P. 419 L.D. 1288

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative DUGAY of Cherryfield and Senators: BRENNAN of Cumberland, MARTIN of Aroostook, WESTON of Waldo, Representatives: CURLEY of Scarborough, KANE of Saco.

Bill "An Act To Establish a System of Advocacy and Oversight To Benefit Persons with Mental Retardation and Autism"  
S.P. 422 L.D. 1291

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Representatives: CHURCHILL of Washburn, FISCHER of Presque Isle.

Bill "An Act To Improve the Fairness of the Health Care Provider Tax and To Ensure Fair Implementation of Health Care Reimbursement Reforms"  
S.P. 424 L.D. 1293

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Senator: WESTON of Waldo, Representative: LAVERRIERE-BOUCHER of Biddeford.

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

Sent down for concurrence.

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Bill "An Act To Improve Boating in Maine"  
S.P. 411 L.D. 1280

Sponsored by Senator BENNETT of Oxford.  
Cosponsored by Representative: CRESSEY of Baldwin.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Enact the Uniform Mediation Act"  
S.P. 426 L.D. 1295

Sponsored by Senator MARTIN of Aroostook.  
Cosponsored by Senators: DOUGLASS of Androscoggin, GAGNON of Kennebec, Representatives: FAIRCLOTH of Bangor, NORBERT of Portland.

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

Sent down for concurrence.

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Bill "An Act To Allow a Retiree Eligible for State-paid Health Insurance Coverage To Decline Coverage and Reenroll at a Later Date"

S.P. 408 L.D. 1277

Sponsored by Senator WESTON of Waldo.

Cosponsored by Representative HUTTON of Bowdoinham and Senator: YOUNGBLOOD of Penobscot, Representatives: LEWIN of Eliot, SHIELDS of Auburn, CURLEY of Scarborough.

Bill "An Act Regarding the Operation of Vending Services in Public Buildings"

S.P. 417 L.D. 1286

Sponsored by Senator MITCHELL of Penobscot.

Cosponsored by Representative TARDY of Newport and Senators: CATHCART of Penobscot, GILMAN of Cumberland, MARTIN of Aroostook, SAWYER of Penobscot, TURNER of Cumberland, YOUNGBLOOD of Penobscot, Representative: LEDWIN of Holden.

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

Sent down for concurrence.

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Bill "An Act to Allow Shipment of Wine By Mail"

S.P. 412 L.D. 1281

Sponsored by Senator BENNETT of Oxford.

Cosponsored by Representative CLARK of Millinocket and Representatives: BRUNO of Raymond, CRESSEY of Baldwin, TOBIN of Dexter.

Bill "An Act To Allow County Candidates To Run as Clean Election Candidates"

S.P. 414 L.D. 1283

Sponsored by Senator HATCH of Somerset.

Cosponsored by Representative TWOMEY of Biddeford and Senators: BRYANT of Oxford, STANLEY of Penobscot, Representatives: GERZOFSKY of Brunswick, HATCH of Skowhegan, HUTTON of Bowdoinham.

Bill "An Act To Extend Term Limits from 8 Years to 14 Years"

S.P. 415 L.D. 1284

Sponsored by Senator HATCH of Somerset.

Cosponsored by Representative GERZOFSKY of Brunswick and Senator: BRYANT of Oxford, Representatives: HATCH of Skowhegan, TWOMEY of Biddeford.

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

Sent down for concurrence.

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Resolve, Related to Aquaculture Leases in Blue Hill Bay

S.P. 410 L.D. 1279

Sponsored by Senator DAMON of Hancock.

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

Sent down for concurrence.

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Bill "An Act To Promote and Protect Private Enterprise"

S.P. 416 L.D. 1285

Sponsored by Senator MITCHELL of Penobscot.

Cosponsored by Representative TARDY of Newport and Senators: CATHCART of Penobscot, GILMAN of Cumberland, MARTIN of Aroostook, SAWYER of Penobscot, TURNER of Cumberland, YOUNGBLOOD of Penobscot.

Bill "An Act Concerning County Treasurers"

S.P. 420 L.D. 1289

Sponsored by Senator MAYO of Sagadahoc.

Cosponsored by Representative BARSTOW of Gorham and Senators: BLAIS of Kennebec, DAVIS of Piscataquis, GILMAN of Cumberland, WOODCOCK of Franklin, Representative: CLARK of Millinocket.

Bill "An Act To Provide Requirements for Towns To Deorganize"

S.P. 421 L.D. 1290

Sponsored by Senator KNEELAND of Aroostook.

Resolve, To Establish a Commission To Determine Why Young People Are Leaving Maine (EMERGENCY)

S.P. 429 L.D. 1327

Sponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Amend the Laws Regarding County Government"

S.P. 430 L.D. 1328

Sponsored by Senator DAMON of Hancock.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** 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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## REPORTS OF COMMITTEES

### House

#### Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission"

H.P. 182 L.D. 223

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.**

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission"  
H.P. 183 L.D. 224

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.**

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Law Regarding Security Officer Qualifications"  
H.P. 295 L.D. 375

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.**

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

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

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

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

**READ ONCE.**

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

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The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Energy Resources Council Membership"  
H.P. 193 L.D. 238

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.**

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**Senate**

**Divided Report**

The Majority of 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

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

Signed:

Senator:

CARPENTER of York

Representatives:

BUNKER of Kossuth Township

BLANCHETTE of Bangor

LESSARD of Topsham

GROSE of Woolwich

SNOWE-MELLO of Poland

GREELEY of Levant

MAIETTA of South Portland

SYKES of Harrison

CHURCHILL of Washburn

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

Signed:

Senators:

STRIMLING of Cumberland

HATCH of Somerset

Representative:

GERZOFSKY of Brunswick

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT NOT TO PASS** Report.

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**SECOND READERS**

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

**House**

Bill "An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary"

H.P. 125 L.D. 166

Bill "An Act To Eliminate the Restriction on Municipal Investment of Trust Funds"

H.P. 221 L.D. 278

Bill "An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process"

H.P. 406 L.D. 521

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

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

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

Bill "An Act To Promote Livable, Affordable Neighborhoods"

H.P. 630 L.D. 853

Tabled - February 26, 2003, by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

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

(In House, February 26, 2003, **REFERRED** to the Committee on **NATURAL RESOURCES**.)

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create the Maine Economic Stabilization and Endowment Fund

H.P. 961 L.D. 1307

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing 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. 973 L.D. 1319

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 Papers**

Bill "An Act To Require Water Tests Prior to the Sale of Homes"

H.P. 959 L.D. 1305

Bill "An Act To Establish Medical Gas and Vacuum System Installer Certification"

H.P. 970 L.D. 1316

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** 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 Papers**

Bill "An Act To Protect Victims of Domestic Violence and Sexual Assault"

H.P. 938 L.D. 1266

Bill "An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole"

H.P. 977 L.D. 1323

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

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Off Record Remarks

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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 Support Maine's Educational Needs through a Public Education Partnership"  
H.P. 941 L.D. 1269

Bill "An Act To Amend the Maine State Grant Program"  
H.P. 950 L.D. 1296

Bill "An Act To Expand Access to Higher Education"  
H.P. 956 L.D. 1302

Bill "An Act To Provide for Full State Funding for Special Education Costs"  
H.P. 957 L.D. 1303

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.

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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 Require Notice of Deficient Care Provided in Long-term Care Facilities"  
H.P. 936 L.D. 1264

Resolve, To Establish the Maine Public Health Commission  
H.P. 955 L.D. 1301

Bill "An Act To Establish Accountability in Out-of-home Abuse and Neglect Investigations"  
H.P. 968 L.D. 1314

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

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

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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 Implement the Maine Assistance Program for Lawyers"  
H.P. 934 L.D. 1262

Bill "An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care"  
H.P. 937 L.D. 1265

Bill "An Act To Amend the Laws Governing Improvident Transfers of Title"  
H.P. 947 L.D. 1275

Bill "An Act To Penalize a Person Who is Habitually Late Making Child Support Payments"  
H.P. 952 L.D. 1298

Bill "An Act Relating to the Use and Disposal of Personal Information by Certain Commercial, Governmental and Other Entities"

H.P. 960 L.D. 1306

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

On motion by Senator **CATHCART** of Penobscot, **REFERRED** to the Committee on **JUDICIARY** 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 Papers**

Bill "An Act To Change the Retirement Eligibility Qualifications for Certain Military Firefighters and Police Officers"

H.P. 969 L.D. 1315

Bill "An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers"

H.P. 972 L.D. 1318

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LABOR** 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 Papers**

Bill "An Act To Raise the Revenues of Agency Liquor Stores by 5% from the Sale of Liquor"

H.P. 939 L.D. 1267

Bill "An Act To Ensure Fairness in Elections"

H.P. 940 L.D. 1268

Bill "An Act To Specify the Political Party of Contributors of Qualifying Contributions and To Require a Candidate Funded under the Maine Clean Election Act To Receive a Certain Level of Support in Order To Receive Public Funding in the Future"

H.P. 944 L.D. 1272

Bill "An Act To Extend Term Limits"

H.P. 945 L.D. 1273

Bill "An Act To Promote Maine's Brewing Industry"

H.P. 946 L.D. 1274

Bill "An Act Regarding the Presence of a Candidate at a Polling Place on Election Day"

H.P. 954 L.D. 1300

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Appearance of Referenda on Ballots at General Elections

H.P. 962 L.D. 1308

Bill "An Act To Improve the Clean Election Option for Gubernatorial Candidates"

H.P. 964 L.D. 1310

Come 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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, To Prohibit the Discharge of Certain Wastewater into Casco Bay  
H.P. 943 L.D. 1271

Bill "An Act To Amend the Sand Dune Laws"  
H.P. 948 L.D. 1276

Bill "An Act To Amend the Subdivision Laws"  
H.P. 951 L.D. 1297

Bill "An Act To Protect Public Health by Reducing Human Exposure to Arsenic"  
H.P. 963 L.D. 1309

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

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

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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 Provide a Municipal Process for an Initiative To Impose a Property Tax Cap"  
H.P. 958 L.D. 1304

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.

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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 Increase the Viability of the Dairy Farming Industry"  
H.P. 942 L.D. 1270

Bill "An Act To Permit a Limited Local Option Sales Tax"  
H.P. 967 L.D. 1313

Bill "An Act To Extend Tax Increment Financing Zones To Include the Development of Large-scale Affordable Housing"

H.P. 974 L.D. 1320

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.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Resolve, To Promote Construction of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State

H.P. 935 L.D. 1263

Bill "An Act To Make Supplemental Highway 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. 976 L.D. 1322

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing 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. 978 L.D. 1324

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

On motion by Senator **HATCH** of Somerset, **REFERRED** to the Committee on **TRANSPORTATION** 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 Papers**

Bill "An Act To Ensure and Encourage the Generation of Electricity from Renewable Resources"

H.P. 966 L.D. 1312

Bill "An Act To Strengthen Maine's 'Do Not Call' List" (EMERGENCY)

H.P. 971 L.D. 1317

Come 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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**ORDERS OF THE DAY**

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

Resolve, To Improve Energy Efficiency in New School Buildings

S.P. 278 L.D. 799

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

Pending - **FURTHER CONSIDERATION**

(In Senate, March 4, 2003, on motion by Senator **HALL** of Lincoln, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.)

(In House, March 6, 2003, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in **NON-CONCURRENCE**.)

On motion by Senator **HALL** of Lincoln, the Senate **RECEDED** and **CONCURRED**.

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

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Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Wednesday, March 12, 2003, at 10:00 in the morning.