

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

In Senate Chamber
Thursday
March 13, 2003

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

Prayer by Reverend Earl Edgerly, Farmington Baptist Church.

REVEREND EDGERLY: Good morning. I truly want to applaud each and every one of you for your dedication to our state government and to the people of our state, as well as to our country, especially in a time in which we're living today; with the threat of war, as well as our economy and budget issues, and all of these things, I don't envy you. You have tough decisions to make. Therefore, I'd like to pray for you today. Let us pray together.

Absolvent Lord and everlasting God, I thank You for another day of opportunity whereby we can serve the people of this state. As we gather today to give thoughtful consideration to the business at hand, I ask, Father, that You would keep us mindful that the decisions made here will impact the lives of people in our communities for years to come. We acknowledge that we are privileged to live within a state and nation that is founded upon the faith and the courage of our forefathers, with the promise of freedom and opportunity and justice for all people. This is a promise that elicits a respect for all people, regardless of gender or color, race, creed, educational accomplishments or lack thereof, or economic status or social standing. It is a respect that permits the fair exchange of ideas within the confines of seeking what is best for the community and the people, the businesses and organizations of which it is comprised.

Lord, I pray that You would grant the courage for these Senators to not only speak to those issues of our concern, but to realize that we will not necessarily agree on every issue. Help us, our Father, to disagree in a courteous and considerate manner that evokes the same from others. Grant us clear vision, genuine concern, and great wisdom in seeking what is best for that quality of life for each of our neighbors throughout the state. Forgive us when we have been shortsighted in planning and our reluctance to change. Cause us to remember that the codes and laws are the servants and not the masters for the benefit of all. Lord, I ask that You watch over these special public servants that are charged with such awesome responsibilities because of the positions they hold in our state government. Grant them strength and endurance coupled with great wisdom and patience to accomplish the tasks at hand. We are grateful for their allegiance to their given responsibilities and pray Your guidance for them and Your hand upon them. For Your glory and for our good. Amen.

Doctor of the day, Ron Marraché, M.D. of Waterville.

Reading of the Journal of Wednesday, March 12, 2003.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **TREAT** of Kennebec, the following Joint Order:

S.P. 441

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 18, 2003, at 10:00 in the morning.

READ and **PASSED**.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Give Teachers a Greater Voice in School Improvement"

H.P. 990 L.D. 1344

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

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

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

Sent down for concurrence.

Bill "An Act To Clarify the Filing of Municipal Personal Property Tax Liens"

H.P. 965 L.D. 1311

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

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

Off Record Remarks

Joint Resolutions

The following Joint Resolution:

H.P. 949

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUIRE THE UNITED STATES DEPARTMENT OF LABOR TO EXAMINE ITS METHODOLOGY FOR CALCULATING RATES IN THE WOODS WAGE SURVEY, TO ESTABLISH HEAVY EQUIPMENT OPERATIONAL RATES AND TO REMOVE BARRIERS TO THE HEALTH AND SAFETY OF PERSONS HARVESTING FOREST PRODUCTS

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the United States Department of Labor H-2 Bonded Labor Program is still used to employ loggers by timber harvesting companies that operate in the forests of Maine; and

WHEREAS, a 1999 United States Department of Labor-sponsored study of the H-2 program and the Maine logging industry recommended a number of changes in the H-2 program; and

WHEREAS, piece and equipment rates established annually for the H-2 program essentially represent piece and equipment rates not only for Canadian bonds but also United States loggers who work in Maine timber harvesting operations; and

WHEREAS, the timber harvesting segment of the Maine forest products industry is characterized by greater use of mechanized equipment to harvest the trees in the Maine woods and the rates of operational reimbursement for that equipment have not changed in 30 years; and

WHEREAS, the 1999 bonded labor study found that "changes to the annual Woods Wage Survey and the establishment of heavy equipment reimbursement rates will make the H-2 program more efficient in ensuring its goals"; and

WHEREAS, the varying and conflicting definitions of, criteria for and application of independent contractor status by federal agencies also represent a significant challenge to the forest products industry and other industries; and

WHEREAS, these varying and conflicting definitions and applications of independent contractor status make it difficult for members of the forest products industry and other industries to efficiently operate their businesses in compliance with these laws, which are intended to define and characterize the employer-employee relationship; and

WHEREAS, some of these varying and conflicting definitions and applications of independent contractor status, particularly Section 530 of the federal Revenue Act of 1978, as amended, encourage and enable some industry members to use these laws to gain a competitive advantage over those industry members struggling to obey both the letter and the spirit of these laws; and

WHEREAS, these varying and conflicting definitions and applications of independent contractor status have made it difficult, if not impossible, for federal agencies to successfully prosecute individuals and businesses who willfully violate the letter and spirit of these laws; now, therefore, be it

RESOLVED: That We, your Memorialists, for the continued viability of the timber harvesting industry in Maine, respectfully recommend, urge and request the Members of the Maine Congressional Delegation to:

1. Submit and support legislation requiring the United States Department of Labor to establish reimbursement rates for heavy equipment operation under the H-2 program;
2. Urge the United States Department of Labor to conduct a thorough examination of the current methodology for calculating the various rates reflected in the annual Woods Wage Survey for the H-2 program, particularly the methodology for calculating hourly wage rates, and specifically urge the department to examine the methodology for its Woods Wage Survey for accuracy, rigor and types of workers included in the survey's universe;
3. Submit and support legislation to clarify and make more consistent the definitions, applications and criteria for independent contractors in federal law; and
4. Review Section 530 of the federal Revenue Act of 1978, as amended, with the Internal Revenue Service to ensure that its current application does not represent a barrier to the health and safety of those who work in the forest products industry and that, if warranted, the delegation submit and support legislation that will clarify the application of Section 530 of the federal Revenue Act of 1978, as amended; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the United States Department of Labor, to the Commissioner of the United States Internal Revenue Service and to each Member of the Maine Congressional Delegation.

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

READ and **REFERRED** to the Committee on **LABOR**, in concurrence.

The following Joint Resolution:

H.P. 986

**JOINT RESOLUTION COMMEMORATING
THE HOLOCAUST HUMAN RIGHTS CENTER'S
LEGISLATIVE AWARENESS DAY AND YOM HASHOAH,
THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED
AS VICTIMS OF THE HOLOCAUST**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, March 12, 2003 has been designated as the Holocaust Human Rights Center's Legislative Awareness Day; and

WHEREAS, April 29, 2003 has been designated internationally as a Day of Remembrance of the Victims of the Holocaust, and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27th to May 4th as the Days of Remembrance of the Victims of the Holocaust, with the theme of "For Your Freedom and Ours"; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust Human Rights Center's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

S.C. 85

**121ST LEGISLATURE
COMMITTEE ON
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

March 10, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 268 An Act to Support Entrepreneurship in the State Through the Maine Microenterprise Initiative Fund
- L.D. 275 An Act Concerning the Membership of the Board of Dental Examiners
- L.D. 383 An Act to Enhance Public Participation in Matters Before Professional Licensing Boards
- L.D. 500 An Act To Ensure Supervision and Oversight of the Board of Registration for Professional Engineers
- L.D. 501 An Act To Allow Local Plumbing Inspectors To Assist the Plumbers' Examining Board in Establishing the State Plumbing Code

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy B. Sullivan
House Chair

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

The Following Communication:

S.C. 86

**121ST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

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

- L.D. 529 An Act To Clearly Define the State Fire Marshal's Powers
- L.D. 610 An Act To Establish a Schedule for Mandatory Sentencing for a Motor Vehicle Operator Found Guilty of Negligence that Caused the Death of a Motorcycle Rider

L.D. 694 An Act Regarding Criminal Liability in an OUI Case When the Passenger Is Also under the Influence of Alcohol or Drugs

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

The Following Communication:

S.C. 87

**121ST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 10, 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 Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 495 An Act To Amend the Law Regarding Revocation of Probation
- L.D. 496 An Act To Amend the Period of Probation for Class D Crimes
- L.D. 635 An Act Creating Residency Requirements for Sexually Violent Predators
- L.D. 689 An Act To Require Periodic In-person Meetings Between a Probationer and a Probation Officer
- L.D. 758 Resolve, Directing the Department of Public Safety, Bureau of State Police to Provide On-line Access to Sex Offender and Sexually Violent Predator Registration Information
- L.D. 876 An Act To Make Changes to the Sex Offender Notification Provisions
- L.D. 1005 An Act To Increase the Class of Crime of Unlawful Sexual Contact

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. George H. Bunker Jr.
House Chair

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

The Following Communication:

S.C. 88

121ST LEGISLATURE

COMMITTEE ON INLAND FISHERIES AND WILDLIFE

March 10, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 128 An Act to Provide Funding for a Full-time Warden to Monitor Brandy Pond in the Town of Naples and to Allow the Town to Enact a Noise Level Ordinance
- L.D. 130 Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the Bureau of Warden Service
- L.D. 131 Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Wildlife Management Program
- L.D. 217 An Act Concerning Public Access to Fish, Game and Wildlife Resources
- L.D. 236 An Act To Clarify the Animal Nuisance Statutes
- L.D. 270 An Act To Give Priority in the Antlerless Deer Permit System to a Person Who Owns 100 Acres or More of Land and Permits Hunting on the Land
- L.D. 468 An Act To Amend the Ice Fishing and Fishing Derby Laws

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. Matthew Dunlap
House Chair

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

The Following Communication:

S.C. 89

121ST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 294 An Act to Ensure that Property or Casualty Insurance Companies Can Not Deny Policy Owners Who have Foster Children in Their Care

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

Sincerely,

S/Sen. Lloyd P. LaFountain III
Senate Chair

S/Rep. Christopher P. O'Neil
House Chair

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

The Following Communication:

S.C. 90

**121ST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 525 An Act To Encourage Open Space Preservation

L.D. 623 An Act To Amend Shoreline Zoning

L.D. 745 An Act To Allow Municipalities To Assess a Surcharge on New Construction That Is Not in a Designated Growth Area

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

The Following Communication:

S.C. 91

**121ST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 10, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 395 An Act to Clarify the Use of Municipal Rate-of-growth Ordinances
- L.D. 517 An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals
- L.D. 522 An Act To Expand the Duties of the Community Preservation Advisory Committee

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

Sincerely,

S/Sen. John L. Martin
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

The Following Communication:

S.C. 92

**121ST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 742 An Act To Establish a System of Self-governance for Unorganized Areas

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Janet L. McLaughlin
House Chair

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

The Following Communication:

S.C. 93

**121ST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 10, 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. 111 An Act To Allow Volunteer Firefighters To Use Red Flashing Lights when Responding to a Fire
- L.D. 406 Resolve, To Designate Route 201 as Part of the East-West Highway
- L.D. 412 Resolve, To Require Reports from the Maine State Police Regarding Commercial Trucks
- L.D. 493 An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel
- L.D. 506 An Act To Permit Municipalities To Erect Pedestrian Crossing Stop Signs in the Middle of the Road
- L.D. 524 Resolve, To Have Signs Erected at the Town of Newburgh in Recognition of Ricky Craven
- L.D. 533 An Act To Add a Sign on Interstate 95 Indicating the Town of Bingham
- L.D. 637 An Act To Enhance the Visibility of Pedestrian Crosswalks

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**.

SENATE PAPERS

Bill "An Act To Increase State Funding for Renovation, Repair and Replacement of Schools for Local Communities by Limiting the State's Debt Limit for New School Construction"
S.P. 443 L.D. 1355

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative CUMMINGS of Portland and Senators: EDMONDS of Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, SAWYER of Penobscot, Representatives: BLISS of South Portland, KOFFMAN of Bar Harbor, MILLS of Cornville, NORTON of Bangor.

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

Sent down for concurrence.

Bill "An Act To Provide Fair Hearing Procedures in the Department of Human Services"
(EMERGENCY)

S.P. 444 L.D. 1356

Sponsored by President DAGGETT of Kennebec.

Cosponsored by Representative DUGAY of Cherryfield and Senators: BRENNAN of Cumberland, DAVIS of Piscataquis, GAGNON of Kennebec, HATCH of Somerset, LEMONT of York, STANLEY of Penobscot, Representative: FLETCHER of Winslow.

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

Sent down for concurrence.

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine (EMERGENCY)

S.P. 446 L.D. 1358

Sponsored by Senator BRYANT of Oxford.

Cosponsored by Representative CLARK of Millinocket and Senators: HATCH of Somerset, STANLEY of Penobscot, Representatives: GERZOFKY of Brunswick, PATRICK of Rumford, PINGREE of North Haven.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

On motion by Senator **BRYANT** of Oxford, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

Bill "An Act To Encourage Economic Development in Piscataquis County" (EMERGENCY)

S.P. 445 L.D. 1357

Sponsored by Senator DAVIS of Piscataquis.

Cosponsored by Representative ANNIS of Dover-Foxcroft and Representatives: DUPREY of Medway, PEAVEY-HASKELL of Greenbush, RICHARDSON of Greenville.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Establish the Locally Governed Water District Act"

S.P. 447 L.D. 1359

Sponsored by President DAGGETT of Kennebec.

Cosponsored by Representative HOTHAM of Dixfield, Representative SUSLOVIC of Portland and Senators: BROMLEY of Cumberland, DAMON of Hancock, MAYO of Sagadahoc, Representatives: BLISS of South Portland, BRUNO of Raymond, MARLEY of Portland, MOODY of Manchester, USHER of Westbrook.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Order

On motion by Senator **BRYANT** of Oxford, the following Joint Order:

S.P. 440

ORDERED, the House concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the Senate, a bill recodifying the Maine Revised Statutes, Title 12, Part 10 that was prepared by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes and that incorporates changes proposed by the Department of Inland Fisheries and Wildlife that were submitted by the department to the Joint Standing Committee on Inland Fisheries and Wildlife on February 14, 2003.

READ and PASSED.

Ordered sent down forthwith for concurrence.

Joint Resolution

On motion by Senator **TREAT** under unanimous consent on behalf of President DAGGETT of Kennebec (Cosponsored by Speaker COLWELL of Gardiner and Senators: DAVIS of Piscataquis, DOUGLASS of Androscoggin, HATCH of Somerset, GAGNON of Kennebec, WOODCOCK of Franklin, Representatives: DUPLESSIE of Westbrook, CUMMINGS of Portland, RICHARDSON of Brunswick), the following Joint Resolution:

S.P. 442

JOINT RESOLUTION RECOGNIZING ADULT EDUCATION IN MAINE

WHEREAS, Public Law 1871, chapter 194 authorized cities and towns to provide for instruction in industrial or mechanical drawing to persons over 15 years of age, either in day or evening schools, establishing the beginning of formal adult education in Maine; and

WHEREAS, the legislation in 1871 was followed by an amendment in 1889, allowing cities and towns to raise money to support evening schools; and

WHEREAS, by 1909, a legislative study determined that 11 cities and towns were maintaining evening schools with an approximate enrollment of 1,400 pupils found to be generally employed in mills or factories; and

WHEREAS, literacy was to become a concern during World War I, and adult education in Maine took a broader focus although the growth of the programs was modest. The Depression saw a decline of programs due to financial reasons, but by 1934, there were classes in 9 communities with a total enrollment of 2,824 pupils; and

WHEREAS, modern adult education is a product of the 1960's and the "War on Poverty" programs. In 1966, 59 communities offered adult education with a total enrollment of 8,086. The growth has continued dramatically throughout recent decades; and

WHEREAS, current trends in adult education reflect the variety of ways the State's programs serve the needs of the State's population. The trends include:

1. Collaboration with postsecondary institutions through career guidance, brush-up and college preparation classes for aspiring students;
2. High school completion and General Equivalency Diploma, GED, programs, with 650 high school diplomas and 3,500 GED's awarded in the State last year;
3. Job readiness, including career guidance and a variety of skills classes, including computer training and many other vocational offerings;
4. Workplace literacy, including courses offered on site at businesses focusing on such topics as math, computer literacy and writing skills;
5. Family literacy, which includes a coordinated approach, including adult education, early literacy, parenting instruction and intergenerational activities; and
6. A vibrant array of community programs reflecting the needs and interests of Maine people; and

WHEREAS, funding for adult education in the State is a partnership that includes state subsidy, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the First Regular Session, pause to acknowledge and applaud adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

READ.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by President **DAGGETT** of Kennebec to **ADOPT**.

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 (2/18/03) Assigned matter:

JOINT ORDER - relative to Hampden Academy on the occasion of its 200th anniversary
SLS 53

Tabled - February 18, 2003, by Senator **MITCHELL** of Penobscot

Pending - motion by same Senator to **PASS**

(In Senate, February 18, 2003, on motion by Senator **MITCHELL** of Penobscot, **READ** and **PASSED**. On further motion by same Senator, **RECONSIDERED PASSAGE**.)

READ.

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

Senator **MITCHELL**: Thank you, Madame President. It gives me great pleasure this morning to ask you to join me in recognizing Hampden Academy on the occasion of its 200th anniversary. On March 7th, I had the privilege of being invited to attend and participate in the birthday celebration of this great historical academy in Hampden. To start off their year long celebration, it was very appropriate that the night before, on March 6th, the Hampden Academy Broncos hockey team won the Class B Eastern Maine Championship. The Town of Hampden is certainly supportive of this historical academy and its anniversary with year long events that will take place during the ensuing year.

We're very privileged this morning to have with us the Principal of Hampden Academy. Ruey Yehle is the Principal and she has with her 42 members of the Hampden Academy Chamber Choir, directed by Heidi Corliss. We are going to be honored with a wonderful song this morning. I'll let the dear President, who invited them to attend today, introduce them.

PASSED.

Sent down for concurrence.

THE PRESIDENT: We are going to hear from the Hampden Academy Chamber Choir, 'Working for the Dawn of Peace'.

The Hampden Academy Chamber Choir performed.

THE PRESIDENT: The Chair is pleased to recognize in the balcony the Hampden Academy Chamber Choir, their director, Heidi Corliss, and their chaperones, Alison Moore, Ruey Yehle, Adam Scarpone.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Reenact Standards for Road Construction for Forest Management Activities"

H.P. 262 L.D. 319

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Crime of Plundering at Fires as Larceny"

H.P. 534 L.D. 728

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Create the Maine Youth Conservation Wildlife Management Area"

H.P. 33 L.D. 26

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act to Enhance Integration of Transportation and Land Use Planning"

H.P. 355 L.D. 463

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.

ENACTORS

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

Acts

An Act to Authorize the Town of Medway to Sell Certain Land

S.P. 62 L.D. 139

An Act To Amend the Requirements for a Journeyman Oil Burner Technician License

H.P. 184 L.D. 225

An Act to Change the Reporting Requirements for the Mercury Switch Removal Program

H.P. 305 L.D. 385

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

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 (3/12/03) Assigned matter:

Bill "An Act To Fully Fund Local Education with Sales Tax Revenues"

H.P. 953 L.D. 1299

Tabled - March 12, 2003, by Senator **BRENNAN** of Cumberland

Pending - **REFERENCE**

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

(In House, March 11, 2003, **REFERRED** to the Committee on **TAXATION**.)

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

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Betsy Wandishin of Casco. She is the 2003 Maine Teacher of the Year and is a 5th grade teacher at the Crooked River Elementary School in Casco, SAD #61. She is the guest today of the Senator from Oxford, Senator Bennett. The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Madame President, fellow members of the Senate. In my view there is no higher calling than that of being a teacher. I say that as one who comes from a family of teachers and as one who was blessed to be inspired throughout my years in Maine public schools by extraordinary teachers. Today we have with us the 2003 Maine Teacher of the Year, Betsy Wandishin. Mrs. Wandishin is a 5th grade teacher at the Crooked River Elementary School in Casco, which is part of SAD #61.

She, as the mother of three children, Megan, Rachel, and Nicholas, has taught for 18 years. She's a proponent of life-long learning. She has a BS in Elementary Education and a MS in Educational Leadership, a Curriculum Coordinator's License, and she is one course shy of an Administrative License. She recently applied for a \$1,500 scholastic scholarship fellowship to work in New York City. Since 1996, Mrs. Wandishin has been Elementary Co-Chair of SAD #61's Language Arts Committee, leading the committee through the development of the district's language arts curriculum and aligning the new curriculum with Maine Learning Results. She's participated in the School Improvement Plan to promote parent involvement projects and to build community connections. Mrs. Wandishin has played a key role in planning a comprehensive assessment design and piloted the new developmental reading assessment for her school district.

She descends from a family of educators who have taught for four generations and her father's family of master craftsmen. This past fall I had the privilege of attending the assembly at her school where the surprise announcement of her selection as the 2003 Maine Teacher of the Year was announced. I had an opportunity to speak afterwards with some of her students and former students. The joy on those children's faces, the enthusiasm, the pride that was evident and palpable, was inspiring to me. Simply, her success is that she inspires kids to learn like no one else. She is a model teacher. I'm very proud that she's from my district. I'm very proud that she is Maine's 2003 Teacher of the Year. I am very pleased that she is with us today.

THE PRESIDENT: The Chair is pleased to recognize Mrs. Wandishin in the rear of the chamber. Would she please rise and accept the greetings of the Maine Senate.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Regarding the Labeling of Returnable Containers"

H.P. 993 L.D. 1351

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Ensure Women's Health Care Coverage for All Maine Women"
(EMERGENCY)

H.P. 995 L.D. 1353

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Assist Seasonal Workers with Workers' Compensation"

H.P. 992 L.D. 1350

Bill "An Act To Amend the Benefit for Accidental Death in the Line of Duty for Law Enforcement Officers"

H.P. 994 L.D. 1352

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Recognition of Qualified Political Parties"

H.P. 991 L.D. 1349

Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

H.P. 996 L.D. 1354

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.

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

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

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

Off Record Remarks

On motion by Senator **TREAT** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 18, 2003 at 10:00 in the morning.