

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE  
FIRST REGULAR SESSION  
33rd Legislative Day  
Tuesday, April 10, 2001

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Dr. Rex H. Garrett, Jr., Director of Chaplaincy Services, Eastern Maine Medical Center, Bangor.

National Anthem by Ruth Lillian Mower, Dexter Primary School.

Pledge of Allegiance.

Doctor of the day, Harry W. Grimmnitz, M.D., Readfield.

The Journal of Thursday, April 5, 2001 was read and approved.

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**SENATE PAPERS**

Bill "An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report"

(S.P. 592) (L.D. 1768)

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending **REFERENCE** and later today assigned.

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**COMMUNICATIONS**

The Following Communication: (H.C. 172)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON APPROPRIATIONS AND FINANCIAL**  
**AFFAIRS**

April 4, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 223 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Reserve Funds

L.D. 283 An Act to Require First Responders to Carry and Administer Epinephrine Autoinjectors

L.D. 448 An Act to Discourage the Use of Dangerous Drugs

L.D. 737 An Act to Create the Infrastructure Trust Fund

L.D. 793 An Act to Provide an Appropriation for "mainescience.org"

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

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. Randall L. Berry

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 173)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 1100 An Act to Allow Municipal Officers to Negotiate Employment Contracts with School Employees

L.D. 1223 An Act to Allow a School Board to Suspend a Student for Rest of Term for Violent Behavior

L.D. 1234 An Act to Strengthen the State's Truancy Law BY REQUEST

L.D. 1318 An Act to Improve the Academic Climate in Schools

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

Sincerely,

S/Sen. Betty Lou Mitchell

Senate Chair

S/Rep. Shirley K. Richard

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 174)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 689 An Act to Require Newborn Screening for Metabolic Abnormalities and Genetic or Biochemical Disorders

L.D. 740 An Act to Provide Relief for Patients with Chronic Pain

L.D. 1506 An Act to Ban Powdered Latex Gloves

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

Sincerely,

S/Sen. Susan W. Longley

Senate Chair  
S/Rep. Thomas J. Kane  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 175)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 4, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:  
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 bills out "Ought Not to Pass":

- L.D. 164 An Act to Provide Immunity for Guardians Ad Litem
- L.D. 242 An Act to Amend the Freedom of Access Laws
- L.D. 849 An Act Regarding Social Security Numbers Used for Identification Purposes
- L.D. 1111 An Act to Increase the Civil Liability of Parents for the Criminal Conduct of their Children BY REQUEST
- L.D. 1238 An Act to Allow the Filing of a Declaration of Homestead BY REQUEST
- L.D. 1286 An Act to Extend Landowner Limited Liability to Environmental Liability

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

Sincerely,  
S/Sen. Anne M. Rand  
Senate Chair  
S/Rep. Charles C. LaVerdiere  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 176)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON LABOR**

April 4, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 442 An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits

- L.D. 1102 An Act to Address the Critical Shortage of Teachers and School Administrators in Maine Public Schools
- L.D. 1197 An Act to Amend the Limits on Earnable Compensation for State Employee Retirement
- L.D. 1205 An Act to Improve Enforcement of Wage and Hour, Safety and Other Labor Laws
- L.D. 1245 An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers
- L.D. 1314 An Act to Remove the Penalty for Education Retirees Who Work After Retirement

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

Sincerely,  
S/Sen. Betheda G. Edmonds  
Senate Chair  
S/Rep. Zachary E. Matthews  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 177)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 3, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:  
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 7 Resolve, Authorizing Bonnie Dunn to Sue the State
- L.D. 1126 An Act to Provide a Standard Residency Requirement for the Purpose of Registering to Vote

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

Sincerely,  
S/Sen. Neria R. Douglass  
Senate Chair  
S/Rep. John L. Tuttle, Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 178)

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

April 3, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 15 An Act to Allow Persons Completing the Lobster Apprentice Program Admission to Limited-entry Zones  
L.D. 327 An Act Relating to the Scallop Count  
L.D. 644 An Act to Amend the Laws Governing the Lobster Tag System BY REQUEST  
L.D. 1158 An Act Relating to Daily Catch Limits for Scallops

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

Sincerely,

S/Sen. Kenneth F. Lemont  
Senate Chair  
S/Rep. David G. Lemoine  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 179)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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 bills out "Ought Not to Pass":

- L.D. 985 Resolve, Creating a Governance System for Unorganized Towns  
L.D. 1177 An Act to Amend the Laws Governing Election of Somerset County Commissioners  
L.D. 1452 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Constitutional Officers and State Auditor

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

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair  
S/Rep. Martha A. Bagley  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 180)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON TAXATION**

April 3, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 616 An Act to Exempt Over-the-counter Medications From the Sales Tax  
L.D. 632 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Municipalities the Option of Exempting Personal Property from Taxation if No Property Owner in the Municipality Owns More than 2% of the Taxable Property in the Municipality  
L.D. 697 Resolve, Decreasing the Gasoline Tax by 10 Cents Per Gallon  
L.D. 818 An Act to Exempt from the Sales Tax the Deposit on Automotive Cores  
L.D. 846 An Act to Provide Equity in Taxation of Certain Mobile Homes  
L.D. 1046 An Act Relating to the Taxation of Food  
L.D. 1052 An Act to Prorate Excise Tax on Commercial Vehicles that are Rented  
L.D. 1148 An Act to Implement the Recommendations of the Maine Millennium Commission on Hunger and Food Security to Expand the Maine Earned Income Tax Credit Program to Make It Refundable and Increase the Amount of Benefit a Family Can Receive  
L.D. 1161 An Act to Make Higher Education More Affordable for Maine Families  
L.D. 1196 An Act to Promote Equitable Distribution of Motorboat Gas Tax Revenues to the Department of Marine Resources and the Boating Facility Fund  
L.D. 1206 An Act to Adjust Taxation for Fire Suppression  
L.D. 1248 An Act to Bring Equity to the Vehicle Excise Tax

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

Sincerely,

S/Sen. Kenneth T. Gagnon  
Senate Chair  
S/Rep. Bonnie Green  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 181)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON TAXATION**

April 4, 2001

Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 82 An Act to Allow Municipalities to Establish a Local Option Sales and Use Tax
- L.D. 134 An Act to Amend the Laws Governing the Reporting Provisions Regarding Gasoline Consumption by Recreational Vehicles
- L.D. 338 An Act to Increase Funding for Animal Welfare Programs
- L.D. 406 An Act to Reduce Tree Growth Tax Benefits to Landowners Who Ship Raw Timber Outside the Country
- L.D. 531 An Act to Reimburse Collectors of Sales and Use Taxes
- L.D. 1057 An Act to Clarify the Definition of "Charitable Institution" for Purposes of Property Tax Exemption
- L.D. 1061 An Act to Reduce Tree Growth Tax Benefits to Landowners Who Employ Migrant Workers
- L.D. 1062 An Act to Reduce Tree Growth Tax Benefits to Landowners Who Restrict Access to Their Land
- L.D. 1109 An Act to Clarify Conditions of Eligibility for Property Tax Exemptions for Benevolent and Charitable Institutions
- L.D. 1113 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit a Parcel of Land to be Withdrawn from the Maine Tree Growth Tax Program after 20 Years Without Penalty
- L.D. 1539 An Act to Promote Charitable Giving in the State

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

Sincerely,  
S/Sen. Kenneth T. Gagnon  
Senate Chair  
S/Rep. Bonnie Green  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 182)  
**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

April 3, 2001  
Honorable Michael H. Michaud, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Michaud and Speaker Saxl:  
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. 167 An Act to Provide Funding for Route 1 Road Construction from Topsfield to Houlton
- L.D. 771 An Act to Increase Penalties for Those Violating Covered-load Laws

- L.D. 814 An Act to Promote Safety on the Highways
- L.D. 989 An Act to Strengthen Truck Weight Laws to Deter Gross Vehicle Weight Violations

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

Sincerely,  
S/Sen. Christine R. Savage  
Senate Chair  
S/Rep. Charles D. Fisher  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 183)  
**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 6, 2001  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333  
Dear Clerk MacFarland:  
Pursuant to my authority under 22 MRSA, §3883, I have appointed Representative Deborah J. Hutton of Bowdoinham as a member of the board to the Maine Children's Trust Fund. Should you have questions regarding this appointment, please contact my office.

Sincerely,  
S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 184)  
**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 4, 2001  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333  
Dear Clerk MacFarland:  
Pursuant to my authority under 3 MSRA §901-A, I am pleased to designate Honorable Charles E. Mitchell of Vassalboro as my representative on the State House and Capitol Parks Commission. Should you have questions regarding this appointment, please contact my office.

Sincerely,  
S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative NORBERT of Portland, the following Joint Resolution: (H.P. 1302) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: DAVIS of Falmouth, KANE of Saco, LOVETT of Scarborough, MARRACHÉ of Waterville, SIMPSON of Auburn, Senators: ABROMSON of Cumberland, President Pro Tem BENNETT of Oxford, RAND of Cumberland)

**JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that usually affects adults over 40 years of age, although it can occur in any of 3 forms: late-life Parkinson's disease; young-onset Parkinson's disease, which affects adults under 40 years of age; and juvenile Parkinson's disease; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age and in a significant number of people under 40 years of age; and

WHEREAS, there are 60,000 new patients diagnosed with Parkinson's disease annually in the United States, one every 9 minutes; and

WHEREAS, according to the American Parkinson Disease Association, there are approximately 1,500,000 people in the United States diagnosed with Parkinson's disease, of which an estimated 7,000 or more are in the State of Maine; and

WHEREAS, Parkinson's disease causes a loss of cell function deep within the brain and it is currently an incurable brain disorder of unknown origin that disrupts and may end the lives of those who suffer from it as well as overwhelm the lives of their families and friends; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological, physical and financial toll on the patients as well as on their families and friends; and

WHEREAS, the symptoms of Parkinson's disease, which are tremors, slowness of movement, shuffling gait, difficulty with balance, malfunction of vocal cords, lessened facial expression, intestinal difficulties and emotional changes, are often mistaken as a normal part of the aging process; and

WHEREAS, medications can only control some of the symptoms of Parkinson's disease and only for uncertain periods of time; and

WHEREAS, there is a great need for further training and education in the health care and legal professions to protect the rights of persons with Parkinson's disease; and

WHEREAS, there is an urgent need for a Parkinson's disease clinic in Maine to give patients easier access to specialists in Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, increased research is needed to help find more effective treatments and ultimately to find a cure for Parkinson's disease; and

WHEREAS, full implementation of federal law, the Morris K. Udall Parkinson's Disease Research Act of 1997, which directs the National Institutes of Health to spend up to \$100,000,000 annually on Parkinson's disease research, is critical; and

WHEREAS, April 11th has been proclaimed World Parkinson's Disease Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the Maine Chapter of the American Parkinson Disease Association and the Board of Licensure in Medicine.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative PARADIS of Frenchville, the following Joint Order: (H.P. 1301)

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, legislation designating the St. John Valley as a separate tourism area.

**READ and PASSED.**

Sent for concurrence.

---

On motion of Representative LaVERDIERE of Wilton, the following Joint Order: (H.P. 1303)

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out, to the House, legislation establishing a study of the child protection system.

**READ and PASSED.**

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

the following members of the Bangor High School 2000-2001 Swimming and Diving Team, who won the 2001 State Class A Championship: Captain Tae Chung, Adam Grant, Captain Pat Knaide, Sean Lagrange, Kevin Lewis, Bernie McDonald, Captain Dan Soucie, Captain Jim Soucie, Justin Alley, Ryan Dunbar, Martin Fitch, Josh Kirstein, Kiel McDougall, Alex Shapero, Josh Taylor, Travis Barry, Chris Burroughs-Heineman, Adam Cohen, Dan Dixon, Henry Evans, Carlos Feliciano, Chris Goldsmith, Scott King, Erik Lenz, Eric Palmer, Sean Seamans, Sam Boss, David Chale, George Eyerer, Ben Hoke, James Innis, Greg McDonald, Josh Merriam, Rob Peck and Shane White; Managers Libby Leach, Alex Roberts, Steven Shulkosky and Casey Spaulding; Head Coach Philip Emery; Assistant Coach Mike Reid; and Diving Coach Bobbi Stoyell. The team is undefeated in all of its meets in the last 4 years, with a 50-0 record. We extend our congratulations to the team on its achievements;

(HLS 205)

Presented by Representative PERRY of Bangor. Cosponsored by Representative BAKER of Bangor, Representative BLANCHETTE of Bangor, Representative NORTON of Bangor, Senator SAWYER of Penobscot.

On **OBJECTION** of Representative PERRY of Bangor, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**Recognizing:**

the following members of the Bangor High School Boys Basketball Team, who are the 2001 Class A State Basketball Champions: players Joe Vanidestine, Nick Achorn, Zak Ray, Jim Shea, Matt Anderson, Chris Bombardier, E. J. Hughes, Joe Campbell, Buddy Nickerson, Josh Johnson, David Wright, Shawn Bouchard, Eric Bell, Robert Flynn and Derrick Shain; Head Coach Roger Reed; Assistant Coaches Mark Hackett, Joe Nelson and Joe Johnson; Managers John Chasse, Chris Scott, Matt Pratt and Marcus Hackett. The team has won 5 State Class A Championships in the last 9 years. We extend our congratulations to the team on its victory;

(HLS 207)

Presented by Representative PERRY of Bangor. Cosponsored by Representative BAKER of Bangor, Representative BLANCHETTE of Bangor, Representative NORTON of Bangor, Senator SAWYER of Penobscot.

On **OBJECTION** of Representative DUNLAP of Old Town, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act to Discourage Frivolous Appeals" (S.P. 224) (L.D. 789)

Signed:

Senator:

FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

JACOBS of Turner

MUSE of South Portland

MADORE of Augusta

WATERHOUSE of Bridgton

SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

RAND of Cumberland

McALEVEY of York

Representatives:

BULL of Freeport

MITCHELL of Vassalboro

SIMPSON of Auburn

MENDROS of Lewiston

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

**READ.**

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The **SPEAKER:** The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative **MITCHELL:** Mr. Speaker, Men and Women of the House. I have no prepared testimony on this, but just let me tell you what it does. What it does is it is going to allow double costs if an appeal is found to be frivolous. I find it interesting or fitting today that on the front page of the *New York Times* there is just a headline that says, "On Appeals, the Floor Finds Little Leverage." Basically what this bill is going to do is it is really going to limit access to the courts to the poorest of the poor and to poor tenants. I understand the appeal of this bill to some, but I just want to point out whom it is going to affect. Under the divided report, there is no testimony and there is no testimony because there are no lobbyists for poor tenants. I urge you to vote against the majority and vote **Ought Not to Pass.**

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

A vote of the House was taken. 90 voted in favor of the same and 31 against, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 11, 2001.

Ten Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-96)** on Bill "An Act to Implement the Continuation of Service Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf" (EMERGENCY)

(H.P. 167) (L.D. 178)

Signed:

Senators:

RAND of Cumberland

McALEVEY of York

FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

BULL of Freeport

JACOBS of Turner

MITCHELL of Vassalboro

MUSE of South Portland

SIMPSON of Auburn

MENDROS of Lewiston

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-97)** on same Bill.

Signed:

Representatives:

MADORE of Augusta

SHERMAN of Hodgdon

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill

Signed:

Representative:

WATERHOUSE of Bridgton

**READ.**

On motion of Representative LaVERDIERE of Wilton, Report "A" **Ought to Pass as Amended** was **ACCEPTED.**



The Bill was **READ ONCE**. **Committee Amendment "A" (H-96)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 11, 2001.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 525) (L.D. 680) Bill "An Act to Bring the Crime of Refusing to Submit to Arrest or Detention into Conformity with the Maine Criminal Code" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 873) (L.D. 1152) Bill "An Act to Amend the Standard Valuation Law for Life Insurance and to Restrict Limitation of Liability for Death by Suicide in Group Life Insurance Policies" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(H.P. 56) (L.D. 65) Bill "An Act to Require That Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)**

(H.P. 201) (L.D. 231) Bill "An Act to Provide a Matching Fund Grant to the Maine Maritime Academy" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-104)**

(H.P. 460) (L.D. 581) Bill "An Act to Exempt Certain Organizations from the Meals and Lodging Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-100)**

(H.P. 700) (L.D. 904) Bill "An Act to Amend the Charter of the Corinna Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-99)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR**

**Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 151) (L.D. 495) Bill "An Act to Amend the Small Power Production and Cogeneration Laws" (C. "A" S-38)

(H.P. 146) (L.D. 157) Bill "An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers" (C. "A" H-93)

(H.P. 199) (L.D. 229) Resolve, Directing the Department of Inland Fisheries and Wildlife to Submit a Proposal to Encourage the Harvest of Coyotes (C. "A" H-98)

(H.P. 232) (L.D. 269) Bill "An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY) (C. "A" H-94)

(H.P. 732) (L.D. 952) Bill "An Act to Correct Errors in the Laws Regarding Court Unification" (EMERGENCY) (C. "A" H-95)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE**

**ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

**ENACTORS**

**Emergency Measure**

An Act Concerning Commercial Shooting Areas

(H.P. 155) (L.D. 166)

(C. "A" H-58)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Clarify the Testing Process for the Licensing of Guides

(S.P. 167) (L.D. 586)

(C. "A" S-24)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Amend the Harness Racing Laws to Provide for Staggered Terms

(S.P. 265) (L.D. 912)

(C. "A" S-19)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act to Provide the Right to a Jury Trial in Civil Actions for Civil Rights Violations

(H.P. 47) (L.D. 56)

(C. "A" H-73)

An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund

(S.P. 32) (L.D. 130)

(C. "A" S-21)

An Act to Change the Criteria for Intervenor Status

(H.P. 151) (L.D. 162)

(C. "A" H-74)

An Act to Ensure the Continuing Beauty and Accessibility of Capitol Park

(H.P. 158) (L.D. 169)

(C. "A" H-76)

An Act to Improve Allowances for Jury Duty  
 (S.P. 57) (L.D. 221)  
 (C. "A" S-22)

An Act to Amend Certain Provisions of Maine's Wild Turkey  
 Hunting Season  
 (H.P. 269) (L.D. 347)  
 (C. "A" H-59)

An Act to Require Telephone Utility Participation in Enhanced  
 9-1-1  
 (H.P. 312) (L.D. 390)  
 (C. "A" H-78)

An Act to Facilitate Passenger Rail Transportation by Limiting  
 Liability  
 (S.P. 202) (L.D. 767)  
 (C. "A" S-23)

An Act to Update the Probate Code  
 (S.P. 218) (L.D. 783)  
 (C. "A" S-37)

An Act to Clarify the Laws Relating to Corporate and Other  
 Entities  
 (H.P. 813) (L.D. 1068)  
 (C. "A" H-75)

An Act to Provide Additional Resources to the Oxford County  
 Fair Society  
 (H.P. 831) (L.D. 1103)  
 (C. "A" H-56)

Reported by the Committee on **Engrossed Bills** as truly and  
 strictly engrossed, **PASSED TO BE ENACTED**, signed by the  
 Speaker and sent to the Senate.

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An Act to Reduce Noise Pollution  
 (S.P. 153) (L.D. 497)  
 (C. "A" S-33)

Was reported by the Committee on **Engrossed Bills** as truly  
 and strictly engrossed.

On motion of Representative KASPRZAK of Newport, was  
**SET ASIDE**.

The same Representative **REQUESTED** a division on  
**PASSAGE TO BE ENACTED**.

The Chair ordered a division on **PASSAGE TO BE  
 ENACTED**.

A vote of the House was taken. 96 voted in favor of the  
 same and 33 against, and accordingly the Bill was **PASSED TO  
 BE ENACTED**, signed by the Speaker and sent to the Senate.

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By unanimous consent, all matters having been acted upon  
 were **ORDERED SENT FORTHWITH**.

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The Chair laid before the House the following item which was  
**TABLED** earlier in today's session:  
 Expression of Legislative Sentiment recognizing the Bangor  
 High School 2000-2001 Swimming and Diving Team.

(HLS 205)  
 Which was **TABLED** by Representative PERRY of Bangor  
 pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative  
 from Bangor, Representative Perry.

**Representative PERRY**: Mr. Speaker, Men and Women of  
 the House. This is my favorite day of the year when the Bangor  
 High Swim and Diving Team comes down to be recognized for  
 yet another state championship. I am going to repeat what was  
 said in the sentiment. Undeclared four years in a row, 50 and O  
 in the last four years. The tradition that Bangor High swim and  
 diving has, I haven't done the research, but I would dare say it is  
 unmatched by any sports team in the state. You will notice as  
 well that head coach Phil Emery and diving coach Barbara  
 Stoyell, were both named coaches of the year for Class A. It is a  
 great tribute to the high school. The success it has had, it shows  
 a lot of hard work and determination on the part of the athletes  
 as well as the coaches and the managers. We are just so proud.  
 I am happy to see them all here today. Thank you.

The **SPEAKER**: The Chair recognizes the Representative  
 from Brewer, Representative Fisher.

**Representative FISHER**: Mr. Speaker, Men and Women of  
 the House. The good Representative from Bangor mentioned it  
 is the last four years. In fact, the tradition in Bangor goes back  
 two decades prior to that. There is excellence in swimming  
 during all that period of time. There is one constant in that whole  
 program and it is Coach Phil Emery, a resident of Brewer. We  
 like to spread our talent around the state. Thank you.

The **SPEAKER**: The Chair recognizes the Representative  
 from Bangor, Representative Norton.

**Representative NORTON**: Mr. Speaker, Ladies and  
 Gentlemen of the House. In today's world when so many times  
 good enough is not good enough that we still see young people  
 who are willing to push the spirit, the mind and the body to be all  
 that they can be. I am so very proud of these young people who  
 strive to do this and even more proud that they are from Bangor.  
 Additionally, I am sincerely grateful to their coaches, Phil Emery  
 and Barbara Stoyell and their staff members for the guidance  
 and the support that they have provided. Good job, good show,  
 well executed.

The **SPEAKER**: The Chair recognizes the Representative  
 from Bangor, Representative Baker.

**Representative BAKER**: Mr. Speaker, Men and Women of  
 the House. It gives me great pleasure to rise because Bangor  
 High School is in my district. I want to congratulate this team  
 and their coaches for striving for excellence. That is what they  
 have done. I want to add that their coach, Mr. Emery, is more  
 than simply a coach. He is a mentor to these students and he is  
 their friend. Long after they have graduated, Phil Emery, is held  
 in the highest esteem as one of those individuals who has  
 shaped their lives. Bangor is fortunate. The State of Maine is  
 fortunate to have such fine coaches as this team has and such  
 excellent students. Thank you.

The **SPEAKER**: The Chair recognizes the Representative  
 from Bangor, Representative Blanchette.

**Representative BLANCHETTE**: Mr. Speaker, Ladies and  
 Gentlemen of the House. I rise today to offer praise to the  
 Bangor Swim Team and to our outstanding coach that has led  
 these fine young athletes through four years of state  
 championships. This is no minor feat. It gives credit to every  
 student that is in the Bangor School System, the parents that  
 have supported them throughout the years and the many, many  
 fine teachers that have encouraged them to always strive to do  
 your best. The dedication and the work ethic that these young  
 people have shown by taking the state championship swim and  
 dive team for four years in a row is something that as a Bangor  
 citizen, as a Bangor parent and as a Bangor elected official, I am

so very proud of all of these fine young people. Thank you Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing the Bangor High School 2000-2001 Boys Basketball Team.

(HLS 207)

Which was **TABLED** by Representative DUNLAP of Old Town pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. Once again it gives me great pleasure and pride to stand today to recognize the 2001 Class A State Basketball Champions. All I can say about their season is wow. If anyone saw that final game against Deering, it was amazing. Earlier in the day of the game, I called a friend of mine who is a city councilor and said, let's go to the game tonight. He informed me it was sold out. I thought I had connections with the city councilor. Everyone wanted to get in. That was the hottest ticket in town. I did have to end up watching it on TV. My wife can tell you that I came out of my seat the last few moments of that game. It was unbelievable. This team has just built such a tremendous program over the last several years. It has been many years between state championships until a few years ago. Now, every year they have been doing so well. That shows the work ethic, the leadership of the coaches and these guys just played their hearts out and never gave up. We are just so proud to have them here today. On behalf of the Legislature, I just want to congratulate each and every one of you. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise again today to tell you that it just doesn't get any better than this. When you can recognize two class champion teams in one day before the House of Representatives in the State Capitol, you know that somewhere along the line, the coaches that have coached all of these young people, the teachers that have guided them through the classroom to excel in their academic excellence, somebody has done something right. I am very, very proud of them. I wish to extend my congratulations to every member of the team, every coach, every assistant coach and every parent out there. You have made us all very, very proud to call ourselves citizens of Bangor and citizens of the State of Maine. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I rise again with the greatest pleasure. Basketball is really the quintessential American sport. From those long ago days when Mr. Nate Smith attached a peach crate to a big pole and started throwing balls in, the sport has evolved to become just an incredible, perhaps the favorite today, American sport. It expresses the best of America, I think. Individual achievement and team spirit, these guys know they can't do what they have done without striving, each one of them, for the best that is in them. They also know they couldn't do that without being part of

a team. Today, I am incredibly proud of this team and for the glory that it reflects on the City of Bangor, the Bangor schools, the superintendent, Sandy Irving. I think these students represent for us today just the best in our Maine public school system. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. Again, I rise to say how proud I am of this team. I do want you to know, additionally I will add, I have not once allowed myself to rub this victory in with my seatmate, Representative Cummings from South Portland. I need for you to know that. Again, thank you Coach Reed and your staff and for all the teachers who have given you the support that you needed to accomplish this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Mr. Speaker, Members of the House. It is with great pleasure that I give credit to the very classiest skilled Bangor Boy's Basketball Team, although they ripped my heart out a month ago. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 5, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Update the Abandoned Property Laws"

(S.P. 120) (L.D. 396)

- In House, **REFERRED** to the Committee on **JUDICIARY** on February 8, 2001.

- In Senate, Senate **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

**TABLED** - February 15, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative LaVERDIERE of Wilton, the House voted to **ADHERE**.

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-77) - Minority (3) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Washington County to Elect Its Own District Attorney"**

(H.P. 354) (L.D. 444)

**TABLED** - April 3, 2001 (Till Later Today) by Representative McDONOUGH of Portland.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Representative BAGLEY of Machias moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. You could have seen days ago when this bill first came out on our calendar that I am on the Ought Not to Pass report. I will state briefly my reasons for electing not to support this bill. First of all, I would say that, yes, it would be very, very nice if each and every county in the state could have its own District Attorney. That would be a nice thing. In the present state of affairs that we find ourselves in in state government with things being tight, I would say that this is not a good time for that. Also, I would say that this is yet another mandate on county government. It expands government, yet again. If other counties must share their District Attorneys, I think that Washington County should suffer along with the rest of us. I appreciate your vote in Ought Not to Pass on this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 43**

YEA - Ash, Bagley, Baker, Bliss, Bouffard, Bowles, Brooks, Bryant, Buck, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hutton, Jacobs, Jones, Kane, LaVerdiere, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Muse C, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan,

Tarazewich, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Berry RL, Bruno, Bull, Carr, Chase, Clough, Crabtree, Cressey, Daigle, Davis, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Koffman, Labrecque, Laverriere-Boucher, Ledwin, Lemoine, Lovett, MacDougall, Madore, Michael, Murphy T, Muse K, Nass, Norbert, Nutting, Peavey, Pinkham, Schneider, Sherman, Shields, Simpson, Stedman, Thomas, Tobin D, Tobin J, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Blanchette, Brannigan, Bumps, Hawes, Landry, Matthews, Mendros, Murphy E, Perry, Povich, Tessier, Watson.

Yes, 87; No, 52; Absent, 12; Excused, 0.

87 having voted in the affirmative and 52 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-77)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, April 11, 2001.

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The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich who wishes to address the House on the record.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. Had I been present for the prior roll call vote on LD 444, it would be no surprise to the body that I would have voted to oppose the LD. Thank you.

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On motion of Representative **POVICH** of Ellsworth, the House adjourned at 10:34 a.m., until 10:00 a.m., Wednesday, April 11, 2001.