

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
December 6, 2000 to May 23, 2001

Pages 1 - 911

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

In Senate Chamber
Tuesday
January 9, 2001

Senate called to order by President Michael H. Michaud of Penobscot County.

Prayer by Reverend Charles Reed of the Second Baptist Church in Bowdoinham.

REVEREND REED: Let us pray together. Our Father, we come this day to praise You for the most awesome and wondrous God that You are. We thank You for Your love and Your grace to us and we come this day to tell You, oh Lord, that we love You. We acknowledge, Father, Your sovereignty and Your firm control in our lives. This day we yield our hearts and lives unto You. As we gather in this Senate chamber, I thank You for every member of this State Senate and for each Senator individually. Father, they give so much and receive so little for the great responsibility that they bear. Father, deafen their ears, oh God, to the negative criticism that they may receive and let them draw only encouragement from constructive criticism and give them the discernment to know, dear Lord, the difference between the two. As they debate this day, bring them unity. Allow them a sense of Your spirit's guidance and give them the wisdom to stop when they are confused and deadlocked, to pray, to seek Your face, and to seek Your holy will. I pray for each Senator's family. Lord, they are away so much of the time. Touch their wives and their children and those that are dear to them. Wrap them in Your arms, give Your angels charge over them and encourage their family at home as they share the lives and the responsibility of each of these Senators. For the Governor of this state, oh God, give him, too, the wisdom and strength that he needs to carry on the act of governing with this great Senate. Father, we praise You for how You love us, and Lord, I commit each of them into Your hands. We ask this in the name of our Savior and Lord who taught us to pray together.

Our Father, who art in heaven, hallowed be thy name.
Thy kingdom come, thy will be done on earth as it is in heaven.
Give us this day our daily bread,
and forgive us our trespasses as we forgive those who trespass against us.
And lead us not into temptation, but deliver us from evil.
For thine is the kingdom, and the power, and the glory for ever.
Amen.

Pledge of Allegiance led by Senator Mary Small of Sagadahoc County.

Doctor of the day, Mark Bolduc, MD, Waterville.

Reading of the Journal of Thursday, January 4, 2001.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 25

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 3, 2001

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under Senate Rule 203.1, we have made the following Joint Standing Committee appointments.

Business and Economic Development
Kevin L. Shorey, Chair (R-Washington)
Lynn Bromley, (D-Cumberland)
Edward M. Youngblood, (R-Penobscot)

Sincerely,

S/Michael H. Michaud S/Richard A. Bennett
President of the Senate Senate President Pro Tempore

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: H.P. 5

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

TO: Millicent M. MacFarland
Clerk of the House

FROM: Michael V. Saxl
Speaker of the House

DATE: December 22, 2000

RE: Committee Appointments
120th Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees.

Agriculture, Conservation and Forestry

Linda Rogers McKee, Chair (D-Wayne)
Paul Volenik (D-Brooklin)
Susan M. Hawes (D-Standish)
Sally Landry (D-Patten)
Jacqueline A. Lundeen (D-Mars Hill)
Raymond G. Pineau (D-Jay)
Walter R. Gooley (R-Farmington)*
Clifton E. Foster (R-Gray)
Roderick W. Carr (R-Lincoln)
Arlan R. Jodrey (R-Bethel)

Appropriations and Financial Affairs

Randall L. Berry, Chair (D-Livermore)
Richard H. Mailhot (D-Lewiston)
Paul L. Tessier (D-Fairfield)
Joseph C. Brannigan (D-Portland)
David M. Etnier (D-Harpswell)
Sharon Libby Jones (D-Greenville)
Richard A. Nass (R-Acton)*
Tom J. Winsor (R-Norway)
Irvin G. Belanger (R-Caribou)
Richard W. Rosen (R-Bucksport)

Banking and Insurance

Christopher P. O'Neil, Chair (D-Saco)
Benjamin F. Dudley (D-Portland)
Nancy B. Sullivan (D-Biddeford)
Marilyn E. Canavan (D-Waterville)
Lisa T. Marraché (D-Waterville)
William J. Smith (D-Van Buren)
Arthur F. Mayo III (R-Bath)*
Kevin J. Glynn (R-South Portland)
Philip Cressey, Jr. (R-Baldwin)
Florence T. Young (R-Limestone)

Business and Economic Development

John Richardson, Chair (D-Brunswick)
Bruce S. Bryant (D-Dixfield)
Susan Dorr (D-Camden)
Paul R. Hatch (D-Skowhegan)
Marc Michaud (D-Fort Kent)
Jonathan Thomas (D-Orono)
Harold A. Clough (R-Scarborough)*
Thomas W. Murphy, Jr. (R-Kennebunk)
Brian M. Duprey (R-Hampden)
John R. Morrison (R-Baileyville)

Criminal Justice

Edward J. Povich, Chair (D-Ellsworth)
Michael W. Quint (D-Portland)
Charles E. Mitchell (D-Vassalboro)
Lillian LaFontaine O'Brien (D-Lewiston)
Patricia A. Blanchette (D-Bangor)
Stanley J. Gerzofsky (D-Brunswick)
Judith B. Peavey (R-Woolwich)*

Edgar Wheeler (R-Bridgewater)
James H. Tobin, Jr. (R-Dexter)
Lois A. Snowe-Mello (R-Poland)

Education and Cultural Affairs

Shirley K. Richard, Chair (D-Madison)
Mabel J. Desmond (D-Mapleton)
James G. Skoglund (D-St. George)
Elizabeth Watson (D-Farmingdale)
Stephen C. Estes (D-Kittery)
Glenn Cummings (D-Portland)
Vaughn A. Stedman (R-Hartland)*
Mary Black Andrews (R-York)
Carol Weston (R-Montville)
Mary Ellen Ledwin (R-Holden)
Donald G. Soctomah (Passamaquoddy Tribe)

Health and Human Services

Thomas J. Kane, Chair (D-Saco)
Joseph E. Brooks (D-Winterport)
Elaine Fuller (D-Manchester)
Edward R. Dugay (D-Cherryfield)
Benjamin F. Dudley (D-Portland)
Marie Laverriere-Boucher (D-Biddeford)
Glenys P. Lovett (R-Scarborough)*
Thomas F. Shields (R-Auburn)
Julie Ann O'Brien (R-Augusta)
Robert W. Nutting (R-Oakland)

Inland Fisheries and Wildlife

Matthew Dunlap, Chair (D-Old Town)
Richard H. C. Tracy (D-Rome)
Joseph E. Clark (D-Millinocket)
Ronald E. Usher (D-Westbrook)
Bruce S. Bryant (D-Dixfield)
Monica McGlocklin (D-Embden)
Royce W. Perkins (R-Penobscot)*
Howard A. Chick (R-Lebanon)
Ken Honey (R-Boothbay)
A. David Trahan (R-Waldoboro)

Judiciary

Charles C. LaVerdiere, Chair (D-Wilton)
Thomas D. Bull (D-Freeport)
Patricia T. Jacobs (D-Turner)
Charles E. Mitchell (D-Vassalboro)
Christopher T. Muse (D-South Portland)
Deborah L. Simpson (D-Auburn)
David R. Madore (R-Augusta)*
G. Paul Waterhouse (R-Bridgton)
Stavros J. Mendros (R-Lewiston)
Roger L. Sherman (R-Hodgdon)
Donna M. Loring (Penobscot Nation)

Labor

Zachary E. Matthews, Chair (D-Winslow)
George H. Bunker, Jr. (D-Kossuth Township)
Deborah J. Hutton (D-Bowdoinham)
Jacqueline R. Norton (D-Bangor)
William J. Smith (D-Van Buren)
Frank J. Tarazewich (D-Waterboro)
Russell P. Treadwell (R-Carmel)*
Jay MacDougall (R-North Berwick)

Gerald M. Davis (R-Falmouth)
Philip Cressey, Jr. (R-Baldwin)

Legal and Veterans Affairs

John L. Tuttle, Jr., Chair (D-Sanford)
Nancy L. Chizmar (D-Lisbon)
Lillian LaFontaine O'Brien (D-Lewiston)
Stephen C. Estes (D-Kittery)
William R. Cote (D-Lewiston)
John L. Patrick (D-Rumford)
Janice E. Labrecque (R-Gorham)*
Arthur F. Mayo III (R-Bath)
Theodore H. Heidrich (R-Oxford)
Richard H. Duncan (R-Presque Isle)

Marine Resources

David G. Lemoine, Chair (D-Old Orchard Beach)
Paul Volenik (D-Brooklin)
Ronald E. Usher (D-Westbrook)
Thomas D. Bull (D-Freeport)
Nancy B. Sullivan (D-Biddeford)
Walter E. Ash, Jr. (D-Belfast)
William D. Pinkham (R-Lamoine)*
Deborah K. McNeil (R-Rockland)
Howard A. Chick (R-Lebanon)
Kevin M. Muse (R-Fryeburg)

Natural Resources

Scott W. Cowger, Chair (D-Hallowell)
Joseph E. Clark (D-Millinocket)
Robert W. Duplessie (D-Westbrook)
Christina L. Baker (D-Bangor)
Joanne T. Twomey (D-Biddeford)
Theodore Koffman (D-Bar Harbor)
Robert A. Daigle (R-Arundel)*
David L. Tobin (R-Windham)
James D. Annis (R-Dover-Foxcroft)
Richard A. Crabtree (R-Hope)

State and Local Government

Martha A. Bagley, Chair (D-Machias)
John F. McDonough (D-Portland)
Paul R. Hatch (D-Skowhegan)
Paul J. Lessard (D-Topsham)
Janet L. McLaughlin (D-Cape Elizabeth)
Susan L. Kasprzak (R-Newport)*
Eleanor M. Murphy (R-Berwick)
Peter D. Chase (R-Levant)
Anita P. Haskell (R-Milford)
John M. Michael (I-Auburn)

Taxation

Bonnie Green, Chair (D-Monmouth)
Stephen S. Stanley (D-Medway)
Rosita Gagne (D-Buckfield)
Joseph C. Perry (D-Bangor)
Bernard E. McGowan (D-Pittsfield)
Janet L. McLaughlin (D-Cape Elizabeth)
Eleanor M. Murphy (R-Berwick)*
John T. Buck (R-Yarmouth)
Randall L. Bumps (R-China)
David E. Bowles (R-Sanford)

Transportation

Charles D. Fisher, Chair (D-Brewer)
Gerald N. Bouffard (D-Lewiston)
Gary J. Wheeler (D-Eliot)
George H. Bunker, Jr. (D-Kossuth Township)
Boyd P. Marley (D-Portland)
Rosaire Paradis, Jr. (D-Frenchville)
Edgar Wheeler (R-Bridgewater)*
Ronald F. Collins (R-Wells)
Terrence P. McKenney (R-Cumberland)
Deborah K. McNeil (R-Rockland)

Utilities and Energy

William R. Savage, Chair (D-Buxton)
Monica McGlocklin (D-Embden)
Albion D. Goodwin (D-Pembroke)
Lawrence Bliss (D-South Portland)
Christopher G. L. Hall (D-Bristol)
Peter L. Rines (D-Wiscasset)
Donald P. Berry, Sr. (R-Belmont)*
Richard H. Duncan (R-Presque Isle)
Royce W. Perkins (R-Penobscot)
Richard A. Crabtree (R-Hope)

*Ranking Republican Member

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

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

The Following Communication: S.C. 16

**STATE OF MAINE
120TH LEGISLATURE**

January 3, 2001

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to our authority under Title 12, Section 4652, we are pleased to appoint Representative David Etnier as Legislative Commissioner to the Atlantic States Marine Fisheries Commission.

If you have any questions about this appointment, please contact us.

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 17

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 4, 2001

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to Senate Order 3, I have appointed the following to the Committee on Senatorial Vote.

Senator Anne M. Rand, Chair, (D-Cumberland)
Senator John L. Martin, (D-Aroostook)
Senator Lloyd P. LaFountain III, (D-York)
Senator Jill M. Goldthwait, (I-Hancock)
Senator Mary Small, (R-Sagadahoc)
Senator Kevin L. Shorey, (R-Washington)
Senator Karl W. Turner, (R-Cumberland)

Sincerely,

S/Michael H. Michaud
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 18

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 4, 2001

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to Senate Rule 203.3, we have appointed the following to the Committee on Bills in the Second Reading:

Senator Chandler E. Woodcock, Chair (R-Franklin)
Senator W. Tom Sawyer, (R-Penobscot)
Senator Neria R. Douglass (D-Androscoggin)
Senator Kenneth T. Gagnon, (D-Kennebec)

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Richard A. Bennett
Senate President Pro Tempore

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 19

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 4, 2001

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to Senate Rule 203.3, we have appointed the following to the Committee on Engrossed Bills:

Senator Lynn Bromley, Chair, (D-Cumberland)
Senator John M. Nutting, (D-Androscoggin)
Senator Edward M. Youngblood, (R-Penobscot)
Senator Christine R. Savage, (R-Knox)

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Richard A. Bennett
Senate President Pro Tempore

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 20

**120TH LEGISLATURE
SENATE OF MAINE
OFFICE OF THE PRESIDENT**

January 4, 2001

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to Senate Rule 203.4, we have appointed the following to the Committee on Conduct and Ethics:

Senator S. Peter Mills, Chair (R-Somerset)
Senator I. Joel Abromson, (R-Cumberland)
Senator William O'Gara, (D-Cumberland)
Senator Beverly Daggett, (D-Kennebec)
Senator Jill M. Goldthwait, (I-Hancock)

Sincerely,

S/Michael H. Michaud
President of the Senate

S/Richard A. Bennett
Senate President Pro Tempore

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 21

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO STUDY EQUITY IN THE DISTRIBUTION OF
GAS TAX REVENUES ATTRIBUTABLE TO SNOWMOBILES,
ALL-TERRAIN VEHICLES AND WATERCRAFT**

January 4, 2001

The Honorable Michael H. Michaud, President
The Honorable Michael V. Saxl, Speaker
120th Maine Legislature
State House
Augusta, ME 04333

Dear President Michaud and Speaker Saxl:

Pursuant to Resolves 1999, chapter 131 the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft is pleased to submit its final report including legislation. Copies of the report have been transmitted to the members of the Legislative Council, the Joint Standing Committees on Inland Fisheries and Wildlife, Agriculture, Conservation and Forestry, Marine Resources, Transportation and Taxation. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Sen. Marge L. Kilkelly, Co-Chair

S/Rep. Joseph E. Clark, Co-Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Increase the Fine for Allowing a Dog to Roam at Large"

S.P. 22 L.D. 38

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative SCHNEIDER of Durham.

**REFERRED to the Committee on AGRICULTURE,
CONSERVATION AND FORESTRY and ordered printed.**

Sent down for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 to Purchase School Buses for Public Schools"

S.P. 23 L.D. 39

Sponsored by Senator McALEVEY of York.
Cosponsored by Representative TARAZEWICH of Waterboro and Senators: MARTIN of Aroostook, SAVAGE of Knox, Representatives: BELANGER of Caribou, MAYO of Bath, McGLOCKLIN of Embden, MURPHY of Kennebunk, SULLIVAN of Biddeford.

REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding the Rights of Parents and Other Family Members of Adults with Mental Retardation"

S.P. 19 L.D. 35

Sponsored by Senator McALEVEY of York.
Cosponsored by Representatives O'BRIEN of Augusta, ANDREWS of York, BROOKS of Winterport, MacDOUGALL of North Berwick, MAYO of Bath, MURPHY of Berwick, SCHNEIDER of Durham, SULLIVAN of Biddeford.

Bill "An Act to Amend the Law Governing the Child Care Advisory Council and to Gather Data on Child Care Services in the State" (EMERGENCY)

S.P. 21 L.D. 37

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representatives: MENDROS of Lewiston, MURPHY of Berwick.

REFERRED to the Committee on HEALTH AND HUMAN SERVICES and ordered printed.

Sent down for concurrence.

Bill "An Act to Designate the Maine Dirigo Tartan the Official State Tartan"

S.P. 24 L.D. 40

Sponsored by Senator FERGUSON of Oxford.
Cosponsored by Representative RICHARD of Madison and Senators: ABROMSON of Cumberland, DAVIS of Piscataquis, GOLDTHWAIT of Hancock, SAWYER of Penobscot, YOUNGBLOOD of Penobscot, Representatives: BELANGER of Caribou, GAGNE of Buckfield, JODREY of Bethel.

REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and ordered printed.

Sent down for concurrence.

Bill "An Act to Exempt Income Derived from National Guard Service from the State Income Tax"

S.P. 16 L.D. 32

Sponsored by Senator McALEVEY of York.
Cosponsored by Representatives TUTTLE of Sanford, LABRECQUE of Gorham, MAYO of Bath, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, USHER of Westbrook.

Bill "An Act to Amend the Definition of "Commercial Agricultural Production" in the Laws Governing Taxation"

S.P. 20 L.D. 36

Sponsored by Senator FERGUSON of Oxford.
Cosponsored by Representative MUSE of Fryeburg and Senators: GAGNON of Kennebec, KNEELAND of Aroostook, LEMONT of York, MITCHELL of Penobscot, YOUNGBLOOD of Penobscot, Representatives: BELANGER of Caribou, GAGNE of Buckfield, JODREY of Bethel.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act to Increase the Eligibility for the Elderly Low-cost Drug Program"

S.P. 18 L.D. 34

Sponsored by Senator McALEVEY of York.
Cosponsored by Representatives BROOKS of Winterport, ANDREWS of York, MacDOUGALL of North Berwick, MURPHY of Berwick, TARAZEWICH of Waterboro.

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

Bill "An Act to Eliminate the Fee for Veterans Registration Plates"

S.P. 14 L.D. 31

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative STANLEY of Medway and President Pro Tem BENNETT of Oxford, Senators SAVAGE of Knox, SMALL of Sagadahoc, Representatives: COWGER of Hallowell, JODREY of Bethel, SCHNEIDER of Durham, SHERMAN of Hodgdon, TREADWELL of Carmel.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act to Lower In-state Phone Costs for Rural Maine"
S.P. 17 L.D. 33

Sponsored by Senator LONGLEY of Waldo.
Cosponsored by Representative: LEMOINE of Old Orchard Beach.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Senate Order

On motion by Senator **SMALL** of Sagadahoc, the following Senate Order: S.O. 12

ORDERED, that the President Pro Tempore is entitled to receive the same compensation provided to the President of the Senate pursuant to the Maine Revised Statutes, Title 3, section 2.

READ.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending motion by same Senator to **PASS**.

ORDERS OF THE DAY

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 (1/4/01) Assigned matter:

JOINT ORDER - relative to History and Final Disposition of all the Bills and Resolves considered by both branches of the Legislature H.P. 4

Tabled - January 4, 2001, by Senator **SMALL** of Sagadahoc.

Pending - **PASSAGE**, in concurrence

(In Senate, January 4, 2001, **READ**.)

On motion by Senator **SMALL** of Sagadahoc, Senate Amendment "A" (S-1) **READ** and **ADOPTED**.

**PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-1),
in NON-CONCURRENCE.**

Under suspension of the Rules, ordered sent down forthwith for
concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Off Record Remarks

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

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

On motion by President Pro Tem **BENNETT** of Oxford,
ADJOURNED, to Thursday, January 11, 2001, at 10:00 in the
morning, in memory of and lasting tribute to the Honorable Vinal
G. Good of Sebago.