

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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  
Thursday  
January 11, 2001

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

---

Prayer by Reverend Severn Towl of the Universalist Unitarian Church in Waterville.

**REVEREND TOWL:** Let us be in the spirit of prayer and meditation.

Eternal light-giving spirit of the universe, we take this moment to pause in our busy lives at the start of this busy day to reflect on those things which hold ultimate value for us. We take this time to center ourselves, to consider why we are here and what it is we hope to do, and to renew our covenant, to proceed in the spirit of kindness, patience, respect and open-mindedness. We pause to remember that the work we do here is for the common good, not merely our own individual good, and that each one here represents many diverse people and ideas. When emotions rise, let us stop and breathe. When conflict looms, let us stop and think. When good is done, let us stop and appreciate. Help us remember that this day, as every day, is as fine as we can make it.

These things we pray in all the names of the Divine. Blessed be and amen.

---

Doctor of the day, Mark Perlmutter, MD, Rockport.

---

Reading of the Journal of Tuesday, January 9, 2001.

---

**Off Record Remarks**

---

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Joint Order: S.P. 28

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 16, 2001, at 10:00 in the morning.

**READ and PASSED.**

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Fully Fund the Endowment Incentive Fund" (EMERGENCY)

H.P. 33 L.D. 42

Bill "An Act to Improve the Navigational Aids Program"

H.P. 38 L.D. 47

Bill "An Act to Require Full Funding of the State's Share of General Purpose Aid"

H.P. 51 L.D. 60

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

---

Bill "An Act to Create a Mandatory Automobile Insurance Premium Discount for Safe, Mature Drivers"

H.P. 34 L.D. 43

Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

H.P. 40 L.D. 49

Bill "An Act to Prohibit Cancellation of an Automobile Insurance Policy after an Accident Involving a Deer or Moose"

H.P. 57 L.D. 66

Bill "An Act to Allow Certified Insurance Counselors to Qualify as Risk Managers"

H.P. 71 L.D. 80

Bill "An Act to Further Encourage the Creation of Private Purchasing Alliances"

H.P. 72 L.D. 81

Come from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

**REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed, in concurrence.

---

Bill "An Act to Require That Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers"

H.P. 56 L.D. 65

Bill "An Act to Permit the Sale of Motorcycles on Sunday"

H.P. 59 L.D. 68

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

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

---

Bill "An Act to Prohibit the Removal or Destruction of Street Signs"

H.P. 35 L.D. 44

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

On motion by Senator **MCALLEVEY** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

Bill "An Act to Clarify the Provision of Mental Health Services"

H.P. 81 L.D. 90

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

---

Bill "An Act to Limit the Number of Chances a Person Has in the Moose Lottery"

H.P. 43 L.D. 52

Bill "An Act to Allow the Transfer of a Valid Turkey Permit to a Juvenile or Senior Citizen"

H.P. 45 L.D. 54

Bill "An Act to Provide an Extra Hunting Opportunity for Junior License Holders"

H.P. 46 L.D. 55

Bill "An Act to Expand the Lifetime Hunting License"

H.P. 60 L.D. 69

Bill "An Act to Allow Bow Hunters to Take a Deer During Bow Hunting Season in Addition to the Deer Allowed During Firearm Season"

H.P. 63 L.D. 72

Resolve, Directing the Department of Inland Fisheries and Wildlife to Establish a Preference Point System for the Moose Lottery

H.P. 66 L.D. 75

Resolve, to Simplify the System of Licenses Issued by the Department of Inland Fisheries and Wildlife

H.P. 67 L.D. 76

Bill "An Act to Allow a Hunter a 2nd Deer During the Muzzle-loading Hunting Season"

H.P. 68 L.D. 77

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

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

---

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

H.P. 47 L.D. 56

Bill "An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation"

H.P. 76 L.D. 85

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

**REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

---

Bill "An Act Relating to Employment Contracts"

H.P. 32 L.D. 41

Bill "An Act to Require That Certain Employees Be Paid on a Weekly Basis"

H.P. 48 L.D. 57

Bill "An Act to Ban Permanent Replacement Workers in a Labor Dispute"

H.P. 74 L.D. 83

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

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

---

Bill "An Act to Prohibit a Liquor Licensee from Employing a Manager or Person in Charge if that Person has a Criminal Record"

H.P. 39 L.D. 48

Bill "An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results"

H.P. 42 L.D. 51

Resolve, Authorizing Zelma Rudge to Sue the State

H.P. 79 L.D. 88

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

---

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions

H.P. 50 L.D. 59

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

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

On motion by President Pro Tem **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Bill was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **REFERENCE**.

---

Resolve, to Create a Greenhouse Gas Registry

H.P. 78 L.D. 87

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

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

---

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General

H.P. 49 L.D. 58

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities

H.P. 52 L.D. 61

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Senators and Members of the House of Representatives

H.P. 54 L.D. 63

Bill "An Act to Designate the Second Saturday in September as Youth Field Day"

H.P. 61 L.D. 70

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

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

---

Bill "An Act to Expand Eligibility for the Veterans' Property Tax Exemption"

H.P. 26 L.D. 26

Bill "An Act to Exempt Full-time Military Personnel from the State Income Tax"

H.P. 44 L.D. 53

Bill "An Act to Increase the Veterans' Property Tax Exemption"

H.P. 55 L.D. 64

Bill "An Act to Exempt Qualifying Snowmobile Trail Grooming Equipment From State Sales Tax"

H.P. 62 L.D. 71

Bill "An Act to Exempt Merchandise That is Donated to a Nonprofit Organization from Use Tax"

H.P. 64 L.D. 73

Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance"

H.P. 70 L.D. 79

Bill "An Act to Allow Municipalities to Establish a Local Option Sales and Use Tax"

H.P. 73 L.D. 82

Bill "An Act to Exclude Antique Autos from Excise Tax"

H.P. 77 L.D. 86

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

**REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

---

Bill "An Act to Prohibit the Collection of Tolls on the Maine Turnpike Over Labor Day Weekend"

H.P. 36 L.D. 45

Bill "An Act to Allow Funeral Escort Vehicles in a Funeral Procession to be Equipped With Flashing Purple Lights"

H.P. 37 L.D. 46

Bill "An Act to Create an Emergency Medical Technician License Plate"

H.P. 58 L.D. 67

Bill "An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title"

H.P. 65 L.D. 74

Bill "An Act to Clarify the Authority of Counties and Municipalities to Restrict Travel Over Local Roads Based on Gross Registered Vehicle Weight"

H.P. 69 L.D. 78

Bill "An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and EMS Personnel"

H.P. 75 L.D. 84

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

**REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act Regarding Notice to the Secretary of State When a Motor Vehicle Insurance Policy is Cancelled"

H.P. 82 L.D. 91

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

On motion by Senator **LAFOUNTAIN** of York, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

---

#### COMMUNICATIONS

The Following Communication: S.C. 22

**120<sup>TH</sup> LEGISLATURE  
SENATE OF MAINE  
OFFICE OF THE PRESIDENT**

January 8, 2001

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

Dear Secretary O'Brien:

Pursuant to my authority under 1999 Resolves, Chapter 82, I am pleased to appoint Senator Chandler E. Woodcock to the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael H. Michaud  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

---

#### SENATE PAPERS

Bill "An Act to Clarify Certain Provisions of the Laws Governing Health Maintenance Organizations and Health Plans"

S.P. 26 L.D. 126

Sponsored by Senator **LAFOUNTAIN** of York.  
Cosponsored by Representative **O'NEIL** of Saco and Senator: **ABROMSON** of Cumberland, Representatives: **MAYO** of Bath, **SULLIVAN** of Biddeford.

**REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

Sent down for concurrence.

---

Senate at Ease.

Senate called to order by the President.

---

#### ORDERS

##### Joint Orders

On motion by Senator **LAFOUNTAIN** of York, the following Joint Order: S.P. 27

**ORDERED**, the House concurring, that the Joint Rules be amended by amending Joint Rule 207, section 1 to read:

1. Legislator and Department Bills. The titles and sponsor's names of requests for bills and resolves submitted by legislators or by departments, agencies or commissions are considered public information upon filing. The legislator, department, agency or commission may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed cloture. The names of the sponsors become public information on the cloture date, and a list of titles and sponsors must be published as soon as practicable after cloture. The names of sponsors and the titles of requests for bills and resolves submitted after cloture are public information when transmitted to the Legislative Council pursuant to Joint Rule 205. The names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator LaFountain.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President. Men and women of the Senate, this is one of the less controversial proposed Rule changes coming from the Rules Committee. What it does is eliminate confidentiality upon filing of bill titles and sponsor's names and only preserves confidentiality if requested by the sponsor. The purpose of doing this is to avoid duplication of bill titles. Thank you.

---

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 16, 2001, at 10:00 in the morning.

On motion by Senator **LAFOUNTAIN** of York, **PASSED**.

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

---

## 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 Specially Assigned matter:

SENATE ORDER - Relative to the President Pro Tempore's compensation. S.O. 12

Tabled - January 9, 2001, by Senator **SMALL** of Sagadahoc.

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

(In Senate, January 9, 2001, on motion by Senator **SMALL** of Sagadahoc, **READ**.)

Senator **SMALL** of Sagadahoc requested and received leave of the Senate to withdraw the Senate Order.

---

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

---

Senate at Ease.

Senate called to order by the President.

---

Off Record Remarks

---