

# 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 25, 2001

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

Prayer by Chaplain Glenn Palmer of the Maine Army National Guard.

**CHAPLAIN PALMER:** I bring you greetings from your Maine Army National Guard and before I share the prayer, I would share with you that as a Chaplain in the Army National Guard and as a Chaplain in the Army Chaplain Corps, where Guard, Reserve and Inactive are not distinguished anymore, I'm in the process of being mobilized to go to Bosnia, where I'll be until the beginning of October. I watched the Governor's State of the State address the other night. My wife and I talked about it afterwards. I shared with her how blessed we are to live in a country where we share power. I'm going to a place where people take power at the end of a gun. With that in mind, let us pray.

Lord of life, we come before You humble and thankful. Thankful that we live in a country and a state where we can express our views, share our opinions, and state our point with passion and power in principle and integrity and still, at the end of the day, not demonetize, not disparage, not terrorize, and not attack others. With all this in mind, we thank You for Your creation, Your good nature, and we ask that You bless and keep this Senate this day and always. Amen.

Doctor of the day, John A. James, M.D., Auburn.

Reading of the Journal of Tuesday, January 23, 2001.

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Joint Order:  
S.P. 80

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 30, 2001, at 10:00 in the morning.

**READ and PASSED.**

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care"  
H.P. 228 L.D. 265

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

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

Bill "An Act to Create the Maine EPSCoR Capacity Fund"  
H.P. 198 L.D. 228

Bill "An Act to Provide a Matching Fund Grant to the Maine Maritime Academy"  
H.P. 201 L.D. 231

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)  
H.P. 227 L.D. 262

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.

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

Bill "An Act to Clarify the Application of the Definitions of "Medical Necessity" and "Medically Appropriate Health Care"  
H.P. 216 L.D. 251

Bill "An Act to Limit the Interest Rate Charged on Debt to 29 Percent"  
H.P. 221 L.D. 256

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 Promote Economic Development in Rural Maine"  
H.P. 213 L.D. 248

Bill "An Act to Amend the Rule-making Process Regarding the  
State's Plumbing Code" (EMERGENCY)  
H.P. 214 L.D. 249

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.

---

**COMMUNICATIONS**

The Following Communication: S.P. 72

**120<sup>TH</sup> MAINE LEGISLATURE**

January 23, 2001

Senator Richard Kneeland  
Representative Linda Rogers McKee  
Chairpersons  
Joint Standing Committee on Agriculture, Conservation &  
Forestry  
120<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Kneeland and Representative McKee:

Please be advised that Governor Angus S. King, Jr. has  
nominated Goodwin O. Gilman of Newport for reappointment as  
a member of the Maine State Harness Racing Commission.

Pursuant to Title 8, M.R.S.A., §261-A, this nomination will require  
review by the Joint Standing Committee on Agriculture,  
Conservation & Forestry and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud                      S/Michael V. Saxl  
President of the Senate                      Speaker of the House

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

Sent down for concurrence.

---

The Following Communication: S.P. 73

**120<sup>TH</sup> MAINE LEGISLATURE**

January 23, 2001

Senator Kevin L. Shorey  
Representative John Richardson  
Chairpersons  
Joint Standing Committee on Business & Economic  
Development  
120<sup>th</sup> Legislature  
Augusta, Maine 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has  
nominated Margaret S. Haynes of Freeport for reappointment as  
a member of the Maine State Housing Authority.

Pursuant to Title 30-A, M.R.S.A., §4723, this nomination will  
require review by the Joint Standing Committee on Business &  
Economic Development and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud                      S/Michael V. Saxl  
President of the Senate                      Speaker of the House

**READ** and **REFERRED** to the Committee on **BUSINESS AND  
ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

---

**SENATE PAPERS**

Bill "An Act to Amend the Standards Regarding the  
Endangerment of the Welfare of a Dependent Person"  
S.P. 71 L.D. 277

Sponsored by Senator McALEVEY of York.  
Cosponsored by Representative POVICH of Ellsworth and  
Representatives: BRANNIGAN of Portland, ETNIER of Harpswell,  
MITCHELL of Vassalboro, NASS of Acton, O'BRIEN of Augusta,  
QUINT of Portland, SNOWE-MELLO of Poland, WINSOR of  
Norway.  
Submitted by the Department of Human Services pursuant to  
Joint Rule 204.

**REFERRED** to the Committee on **CRIMINAL JUSTICE** and  
ordered printed.

Sent down for concurrence.

---

Bill "An Act to Allow the Workers' Compensation Board to  
Maintain its Current Level of Services"  
S.P. 77 L.D. 297

Sponsored by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representative: TUTTLE of Sanford.

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

Sent down for concurrence.

---

Bill "An Act to Clarify the Laws Prohibiting Consumption or Possession of Alcohol by a Minor"

S.P. 74 L.D. 294

Sponsored by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representative LABRECQUE of Gorham and Representatives: CHIZMAR of Lisbon, COTE of Lewiston, HEIDRICH of Oxford, MAYO of Bath.  
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Prohibit the Display of Liquor in Windows"

S.P. 75 L.D. 295

Sponsored by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representative TUTTLE of Sanford and Representatives: CHIZMAR of Lisbon, COTE of Lewiston, HEIDRICH of Oxford, LABRECQUE of Gorham, MAYO of Bath.  
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Specify the Permissible Hours for Sale of Liquor By Wholesale Licensees"

S.P. 76 L.D. 296

Sponsored by Senator DOUGLASS of Androscoggin.  
Cosponsored by Representative TUTTLE of Sanford and Representatives: CHIZMAR of Lisbon, COTE of Lewiston, HEIDRICH of Oxford, LABRECQUE of Gorham, MAYO of Bath.  
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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

Sent down for concurrence.

---

**Pursuant to Resolve**  
**Blue Ribbon Commission to Establish a Comprehensive Internet Policy**

Senator DOUGLASS for the **Blue Ribbon Commission to Establish a Comprehensive Internet Policy** pursuant to Resolve 1999, chapter 89, section 7 asked leave to report that the accompanying Bill "An Act to Include Analysis and Review of Information Practices in the State Government Evaluation Act Process"

S.P. 78 L.D. 298

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Report **READ**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**.

---

**Pursuant to Public Law**  
**Blue Ribbon Commission to Establish a Comprehensive Internet Policy**

Senator DOUGLASS for the **Blue Ribbon Commission to Establish a Comprehensive Internet Policy** pursuant to Public Law 1999, chapter 762, section 7 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy"

S.P. 79 L.D. 299

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Report **READ**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**.

---

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Washington County Emergency Medical Services Authority" (**EMERGENCY**)

H.P. 85 L.D. 92

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-6)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)**.

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

**READ ONCE**.

Committee Amendment "A" (H-6) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

---

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters 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 (1/23/01) Assigned matter:

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

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, January 9, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

(In Senate, January 16, 2001, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.)

(In House, January 18, 2001, that Body **ADHERED**.)

The Chair moved the Senate **RECEDE** and **CONCUR** and ordered a Division. 11 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by the Chair to **RECEDE** and **CONCUR**, **FAILED**.

President Pro Tem **BENNETT** of Oxford moved the Senate **RECEDE**.

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

---

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

Bill "An Act to Amend the Laws Regarding Sex Offender Registration"

H.P. 159 L.D. 170

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, January 16, 2001, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.)

(In Senate, January 16, 2001, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in **NON-CONCURRENCE**.)

(In House, January 18, 2001, that Body **ADHERED**.)

On motion by Senator **MCALEVEY** of York, the Senate **RECEDED** and **CONCURRED**.

---

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

H.P. 119 L.D. 123

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(In House, January 11, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

The Chair moved to **REFER** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 9 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by the Chair to **REFER** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence, **FAILED**.

On motion by President Pro Tem **BENNETT** of Oxford, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

---

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Restrict Reintroduction of Previously Failed Citizen Initiatives

H.P. 188 L.D. 199

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(In House, January 18, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

President Pro Tem **BENNETT** of Oxford moved to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by President Pro Tem **BENNETT** of Oxford to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Reserve Funds  
S.P. 59 L.D. 223

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

---

Senate at Ease.

Senate called to order by the President.

---

Off Record Remarks

---

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

**ENACTORS**

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

**Emergency Mandate**

An Act to Establish the Washington County Emergency Medical Services Authority

H.P. 85 L.D. 92  
(C "A" H-6)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

---

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**, pursuant to the Joint Order, to Tuesday, January 30, 2001, at 10:00 in the morning.