

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

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Pages 1 - 911

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

In Senate Chamber
Thursday
March 22, 2001

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

Prayer by Reverend Edward Hatch of the Palermo Christian Church in Palermo.

REVEREND HATCH: Before we pray I just want to share a couple of remarks with you if I could. The last time you had me here was on February 6th and there was a major snow storm. I looked out this morning and heard the weather report and I said, "these folks may never want me to come back again." There is not an awful lot for people to do in Palermo. Part of my job consists of going to peoples' homes, drinking coffee, and eating cookies. A few years ago I realized the need to get myself in shape, so I started running. I have come to the place now where I run marathons because I'm obsessive and compulsive. I have a lot of other problems too, but those are a couple that I would just mention. It's good this morning that the snow held off. I was able to go and run. Any of you who have gone from Augusta to Belfast know that where the Sheepscot Lake is there are a couple of hills. For me to go any distance at all, I have to go up those hills. I've learned an important lesson in the times I've gone out for a run. The lesson is simply this, don't determine how far you're going to go when you're going up a hill. I find that as I'm going up fatigue sets in and I think maybe I'll just quit at the end of this mile. I find that when I'm going on the down-hill, things are an awful lot easier. It's a lot easier for me to keep going. My hero is Jesus Christ. I'm a minister of the gospel. For text today I just thought I'd read this;... "that Jesus went a little further and fell on his face and prayed saying, 'my Father, if it is possible, let this cup pass from me.' He didn't receive an answer and then he said, 'God, not my will but Yours' be done.'" He went up a hill too, to the hill of Calgary and there he died. It looked sad, but then Easter morning, the resurrection, and he rose again. I'm so thankful he was willing to go that extra mile. I thought of you folks that are in here, both in your life as you are working here in the Senate for the people of the State of Maine, but also in your personal life, how you often come across hills. I think it's very important to understand that if those hills are important and the goals that you have are worthy, you don't want to quit in the middle of the hill. You want to keep going. I encourage you today, if you are feeling tired or discouraged in any part of your life to, perhaps, stop and evaluate and take a look. Let's bow for prayer.

Our Heavenly Father, I'm thankful for each one of the people that are here as part of the Senate. God, we have voted these people in to represent us and we pray that You will help them to do that in a manner that will be fitting and would be right. We pray that You will give them the wisdom to know what is best to do. Sometimes in the issues that come before them it doesn't appear as though there is a clear cut right and wrong. Sometimes they are looking for what is best. We pray that You

will help them to know and find that out. We pray that as they are in deliberations today, as they are talking in the halls, as they may be involved in hearings or in other matters, we pray that as they listen today that they would truly listen so that they might be able to hear and discern Your will. I pray for those who are here today, perhaps any especially who are running up hills, that you will give them the strength to continue on, that those things that are truly important might be accomplished in and through them. We'll thank You in Jesus' name. Amen.

Reading of the Journal of Wednesday, March 21, 2001.

The President appointed the Senator from Cumberland, Senator **O'GARA**, to serve as President Pro-Tem for the session on Tuesday, March 27, 2001.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **MCALLEVEY** to the rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

The Senate called to order by President Pro Tem **MICHAEL J. MCALLEVEY** of York County.

Senate at Ease.

Senate called to order by President Pro Tem **MICHAEL J. MCALLEVEY** of York County.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **SMALL** of Sagadahoc, the following Joint Order:
S.P. 571

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, March 27, 2001, at 9:00 in the morning and the Senate Adjourns until Tuesday, March 27, 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 Amend the Maine Banking Code"
H.P. 1271 L.D. 1729

Bill "An Act to Adopt the National Association of Insurance
Commissioners' Model Insurance Producer Licensing Act"
H.P. 1272 L.D. 1730

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 Registration of Building Contractors"
H.P. 1273 L.D. 1731

Comes 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 Control the Abuse of Designer Club Drugs by
Adding Certain Drugs to the List of Schedule W and Schedule X
Drugs"
H.P. 1269 L.D. 1727

Bill "An Act to Control the Illegal Diversion and Abuse of
Prescription Narcotic Drugs"
H.P. 1270 L.D. 1728

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

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

Bill "An Act to Clarify Laws Pertaining to the Permit Process for
Wildlife Possession"
H.P. 1268 L.D. 1726

Comes 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.

Joint Resolution

The following Joint Resolution: H.P. 1255

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE DAY OF REMEMBRANCE OF THOSE WHO
SUFFERED AS VICTIMS OF THE HOLOCAUST**

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

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

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

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

WHEREAS, April 19, 2001 has been designated
internationally as a Day of Remembrance of the Victims of the
Nazi Holocaust, and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of
Congress, will be commemorating the week of April 15th to April
22nd as the Days of Remembrance of the Victims of the Nazi
Holocaust, with the theme of "Remembering the Past for the
Sake of the Future"; and

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

RESOLVED: That, We, the Members of the One Hundred
and Twentieth Legislature, now assembled in the First Regular
Session, on behalf of the people we represent, pause in solemn
memory of the victims of the Nazi Holocaust, urge one and all to
recommit themselves to the lessons of the Nazi Holocaust
through this international week of commemoration and express
our common desire to continually strive to overcome prejudice
and inhumanity through education, vigilance and resistance; and
be it further

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

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

READ and **ADOPTED**, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 132

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON JUDICIARY**

March 20, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Roland A. Cole of Wells, for reappointment as a Maine Superior Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	McAlevey of York, Rand of Cumberland
	Representatives	9	Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mendros of Lewiston, Muse of South Portland, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton
NAYS		0	
ABSENT		2	Sen. Ferguson of Oxford, Rep. Mitchell of Vassalboro

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Roland A. Cole of Wells, for reappointment as a Maine Superior Court Justice be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and ORDERED PLACED ON FILE.

The Chair laid before the Senate the following: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#12)

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAVIS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, MARTIN, MICHAUD, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - MICHAEL MCALEVEY

ABSENT: Senators: DAGGETT, DOUGLASS, KILKELLY, LEMONT, LONGLEY, MILLS

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 6 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Roland A. Cole** of Wells, for reappointment as a Maine Superior Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 133

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON JUDICIARY**

March 20, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Andre G. Janelle of Saco, for reappointment as a Maine District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 McAlevey of York, Rand of Cumberland
 Representatives 10 Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Mendros of Lewiston, Mitchell of Vassalboro, Muse of South Portland, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton

NAYS 0

ABSENT 1 Sen. Ferguson of Oxford

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Andre G. Janelle of Saco, for reappointment as a Maine District Court Judge be confirmed.

Signed,

S/Anne M. Rand
 Senate Chair

S/Charles C. LaVerdiere
 House Chair

READ and ORDERED PLACED ON FILE.

The Chair laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#13)

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, MARTIN, MICHAUD, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - MICHAEL MCALEVEY

ABSENT: Senators: DAGGETT, KILKELLY, LEMONT, LONGLEY, MILLS

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Andre G. Janelle** of Saco, for reappointment as a Maine District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 134

**120TH LEGISLATURE
 JOINT STANDING COMMITTEE ON JUDICIARY**

March 20, 2001

The Honorable Michael H. Michaud
 President of the Senate of Maine
 120th Maine Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Paul A. Cote, Jr. of Auburn, for reappointment as a Maine District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Rand of Cumberland
 Representatives 8 Bull of Freeport, Jacobs of Turner, LaVerdiere of Wilton, Madore of Augusta, Muse of South Portland, Sherman of Hodgdon, Simpson of Auburn, Waterhouse of Bridgton

NAYS 0

ABSENT 4 Sen. Ferguson of Oxford, Sen. McAlevey of York, Rep. Mendros of Lewiston, Rep. Mitchell of Vassalboro

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Paul A. Cote, Jr. of Auburn, for reappointment as a Maine District Court Judge be confirmed.

Signed,

S/Anne M. Rand
Senate Chair

S/Charles C. LaVerdiere
House Chair

READ and ORDERED PLACED ON FILE.

The Chair laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#14)

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, MARTIN, MICHAUD, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - MICHAEL MCALEVEY

ABSENT: Senators: DAGGETT, KILKELLY, LEMONT, LONGLEY, MILLS

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Paul A. Cote, Jr.** of Auburn, for reappointment as a Maine District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 135

**120TH LEGISLATURE
JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY**

March 20, 2001

The Honorable Michael H. Michaud
President of the Senate of Maine
120th Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 120th Maine Legislature, the Joint Standing Committee on Utilities and Energy has had under consideration the nomination of Stephen L. Diamond of Gardiner, for reappointment to the Public Utilities Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 3 Carpenter of York, Ferguson of Oxford, Treat of Kennebec

Representatives 9 Berry of Belmont, Bliss of South Portland, Crabtree of Hope, Duncan of Presque Isle, Hall of Bristol, McGlocklin of Embden, Perkins of Penobscot, Rines of Wiscasset, Savage of Buxton

NAYS Senators 0

Representatives 1 Goodwin of Pembroke

ABSENT 0

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Stephen L. Diamond of Gardiner, for reappointment to the Public Utilities Commission be confirmed.

Signed,

S/Norman K. Ferguson Jr.
Senate Chair

S/William R. Savage
House Chair

READ and ORDERED PLACED ON FILE.

The Chair laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 120th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#15)

YEAS: Senators: None

NAYS: Senators: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KNEELAND, LAFOUNTAIN, MARTIN, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT PRO TEM - MICHAEL MCALEVEY

ABSENT: Senators: DAGGETT, KILKELLY, LEMONT, LONGLEY

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Stephen L. Diamond** of Gardiner, for reappointment to the Public Utilities Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Prohibit the Misbranding of Genetically Engineered Food"

S.P. 569 L.D. 1733

Sponsored by Senator KILKELLY of Lincoln.
Cosponsored by Representative GOOLEY of Farmington and
Senators: EDMONDS of Cumberland, LaFOUNTAIN of York,
McALEVEY of York, NUTTING of Androscoggin,
Representatives: PATRICK of Rumford, USHER of Westbrook.

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

Sent down for concurrence.

**Pursuant to Resolve
Commission to Study the Needs and Opportunities
Associated with the Production of Salmonid Sport Fish in
Maine**

Senator WOODCOCK for the **Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine** pursuant to Resolve 1999, chapter 82 asked leave to report that the accompanying Bill "An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine" (EMERGENCY) S.P. 568 L.D. 1732

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Transfer State Property to the City of Bangor

H.P. 738 L.D. 957

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

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

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court"

H.P. 438 L.D. 559

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges" (EMERGENCY)

H.P. 440 L.D. 561

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Provide Clarification on the Use of Impact Fees"

H.P. 268 L.D. 346

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

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Establish the Dairy Industry Fund" (EMERGENCY)

H.P. 1022 L.D. 1371

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-39)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39)**.

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

READ ONCE.

Committee Amendment "A" (H-39) **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-39)**, in concurrence.

The Committee on **CRIMINAL JUSTICE** on Bill "An Act to Provide Funds to Purchase Thermal Imaging Cameras"

H.P. 225 L.D. 260

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-34)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-34)**.

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

READ ONCE.

Committee Amendment "A" (H-34) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act Concerning Recordkeeping in Relation to Employment of Minors"

H.P. 244 L.D. 280

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-36)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-36)**.

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

READ ONCE.

Committee Amendment "A" (H-36) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act to Provide an Opportunity to Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives and Nonprofit Community Theaters"

H.P. 390 L.D. 511

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-35).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35).**

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

READ ONCE.

Committee Amendment "A" (H-35) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **NATURAL RESOURCES** on Bill "An Act to Provide for Variance Notification in the Shoreland Zoning Law" H.P. 704 L.D. 919

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-33).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-33).**

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

READ ONCE.

Committee Amendment "A" (H-33) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor

H.P. 265 L.D. 343

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-32).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32).**

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

READ ONCE.

Committee Amendment "A" (H-32) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect a Child's Right to Bike and Walk to School"

H.P. 481 L.D. 621

Reported that the same **Ought Not to Pass.**

Signed:

Senators:
MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:
RICHARD of Madison
DESMOND of Mapleton
ESTES of Kittery
CUMMINGS of Portland
STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

Signed:

Representatives:
SKOGLUND of St. George
WATSON of Farmingdale

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Reports **READ.**

Senator **MITCHELL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Exempt Persons at Least 70 Years of Age from Jury Service at Their Discretion"

H.P. 474 L.D. 614

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

RAND of Cumberland
McALEVEY of York

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-37)**.

Signed:

Senator:

FERGUSON of Oxford

Representatives:

JACOBS of Turner
SHERMAN of Hodgdon
MENDROS of Lewiston

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Senate

Ought to Pass Pursuant to Joint Order

Senator McALEVEY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Establish a Cold Case Homicide Squad"
S.P. 570 L.D. 1743

Reported that the same **Ought to Pass**, pursuant to Joint Order (S.P. 452).

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MARTIN for the Committee on **NATURAL RESOURCES** on Bill "An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses" (EMERGENCY)

S.P. 33 L.D. 131

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

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Discourage Frivolous Appeals"

S.P. 224 L.D. 789

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

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

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senators:

RAND of Cumberland
McALEVEY of York

Representatives:

BULL of Freeport
MITCHELL of Vassalboro
SIMPSON of Auburn
MENDROS of Lewiston

Reports **READ**.

Senator **RAND** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Bill "An Act to Permit an Unspent Balance in the Public Advocate Regulatory Fund to be Carried Forward in Full for Fiscal Years 2000-01 and 2001-02"

H.P. 205 L.D. 240
(C "A" H-31)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2002" (EMERGENCY)

H.P. 25 L.D. 25

Bill "An Act to Establish Destroyer Escort Day" (EMERGENCY)

H.P. 210 L.D. 245

Bill "An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records"

H.P. 458 L.D. 579

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Establish Parity in Requirements for Exits Among Apartments, Boardinghouses and Lodging Houses"

H.P. 237 L.D. 274
(C "A" H-28)

Bill "An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens"

H.P. 103 L.D. 107
(C "A" H-25)

Bill "An Act to Limit the Boat Launching in East Winthrop on the Northern End of Cobbosseecontee Lake to Hand Carrying Only"

H.P. 179 L.D. 190
(C "A" H-26)

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

H.P. 42 L.D. 51
(C "A" H-29)

Bill "An Act to Designate April 15th as Small Business Day"

H.P. 291 L.D. 369
(C "A" H-30)

Senate As Amended

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Charleston, Maine

S.P. 39 L.D. 207
(C "A" S-18)

Bill "An Act to Establish a Light Trailer Transporter Plate and License"

S.P. 56 L.D. 220
(C "A" S-17)

Bill "An Act to Require the Department of Transportation to Coordinate with Municipalities Regarding Landscaping and Planting"

S.P. 149 L.D. 493
(C "A" S-16)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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

Senate at Ease.

Senate called to order by President Pro Tem **MICHAEL J. MCALEVEY** of York County.

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tem
MICHAEL J. MCALEVEY of York County.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect a Child's Right to Bike and Walk to School"

H.P. 481 L.D. 621

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass** (2 members)

Tabled - March 22, 2001, by Senator **MITCHELL** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, March 21, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 22, 2001, Reports **READ**.)

On motion by Senator **MITCHELL** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Exempt Persons at Least 70 Years of Age from Jury Service at Their Discretion"

H.P. 474 L.D. 614

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-37)** (4 members)

Tabled - March 22, 2001, by Senator **RAND** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, March 21, 2001, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 33, 2001, Reports **READ**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President. I would like to speak against the motion that's on the table. What this bill does is it allows a person that is 70 years old to be excused from jury duty if they so choose. I did speak to the caucus downstairs and the discretion was left to the court. The court may, in the original bill, excuse a person. In the minority report it inserts that the court must excuse a person 70 years of age or older if they so wish. I would hope that we would vote against the motion that is on the floor and go on to accept the minority report. I would say that, as I look around, a lot of these folks are younger than me and I would just hope that no one here grows old and has to confront this situation. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President and men and women of the Senate. I've had experiences with many jurors and I have often found that the most valuable jurors that you see are those that are 70 years old and older. Many of them have had the advantage of having had a real high school education, undiluted by whatever has happened to our educational establishments. The people of that age group are a very, very valuable pool of people to draw from to put intelligent, thoughtful, and common sense filled people on the jury pool so that you've got a real balance of people to speak to. If you let people self-select, and that's what this bill would do if you passed it, then you will have the tendency for people to put themselves into the jury pool who've got an ax to grind one way or the other. That is what you don't want. You get enough of those so called ringers as it is, particularly in a criminal jury pool. If you have somebody who's hell bent for conviction on every case and you give them some discretion about whether they can be in the pool or not, they'll fight to be in. Or on the other hand, by the same token, you may have somebody who doesn't believe that anybody ought to be convicted of crime, that crime is simply a social disease and we should vote for acquittal on every case. If you let people self-select it's bad public policy for getting a genuine cross-section of humanity on that jury pool. If you've ever been there and had to have your own fortunes judged by a jury of your peers, either in a civil case, or heaven forbid, a criminal case, you want a good, honest cross-section of average people. You don't want people on there who have an ax to grind one way or the other. Now it's true that some people over 70 have some difficulty hearing or seeing or comprehending or paying attention. That's also true of younger people, frankly. But we do have ways of selecting those people out. Many of them are aware of their own deficiencies. They'll stand up and tell the judge or they'll say on the written questionnaire that they fill out "I don't hear well." Often times those people are excused automatically if they don't hear well or can't see. So the system does filter out people with disabilities if they make themselves known. Quite often, if somebody's mind has gone, you can tell by looking at how they respond to the written questions in the questionnaires that they are required to fill out. You can tell if somebody is over the edge quite often and the judge can tell. These people are often times excused quietly and gently and encouraged to go home. They are thanked for showing up that day and they're given their \$10 and sent along. So the system works as it is. People with disabilities that make them ineligible to serve are filtered out as it is. But to give somebody the discretion to define himself as a member of the pool or not means that you're going to distort the essence of that

cross-section that you want for a fair-minded jury. For that reason, I would join with the good Senator from Cumberland in voting in favor of the pending motion of ought not to pass. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Mr. President and men and women of the Senate. I thank the good Senator Mills for his remarks and there is very little more I can add to that except that jury duty is not a punishment. Jury duty is not a bad thing that is inflicted upon us. Jury duty is an intricate part of our democracy, of our democratic and free way of life. I think that we would be remised to actually cut off the ability to access that part of public service to a group of people simply because they have reached the age of 70. We should embrace those who have experience and welcome them into this public service. We have many exceptions built into the law. The court already has the right to use its discretion to excuse people of any age who, for one reason or another, cannot perform that public service of jury duty. Just as a note of interest, 24 states allow no exceptions whatsoever. I certainly would not subscribe to that policy. It's an important function of our democratic process, and simply because somebody has reached the age of 70, I don't believe that that should be a basis to deny their participation in this very, very important process. Thank you. I do hope that you will support the ought not to pass motion.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Senator **FERGUSON:** Thank you very much, Mr. President. I don't want to belabor this, but any person that is 70 years of age and wants to serve on a jury, can serve on a jury. I just want to point that out. This doesn't exclude anyone. You have a lot of elderly people for whom, for one reason or another, it may be an embarrassment for them to go in and admit that they have diminished minds or whatever it is. I would urge that the body vote against the pending motion and go on and accept the minority report.

At the request of Senator **FERGUSON** of Oxford a Division was had. 29 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **RAND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend Maine Credit Laws"
H.P. 1276 L.D. 1736

Bill "An Act to Clarify and Update the Laws Related to Health Insurance Contracts"
H.P. 1282 L.D. 1742

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Forester Licensing Law"
H.P. 1277 L.D. 1737

Bill "An Act to Clarify Certain Professional and Occupational Licensing Requirements"
H.P. 1278 L.D. 1738

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Promote Safe Schools"
H.P. 1274 L.D. 1734

Bill "An Act to Guarantee Girls Equal Access to Sports Teams"
H.P. 1281 L.D. 1741

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Charter of the Vinalhaven Water District" (EMERGENCY)

H.P. 1275 L.D. 1735

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Paper

Pursuant to Public Law

Maine Criminal Justice Information System Policy Board

The **Maine Criminal Justice Information System Policy Board** pursuant to Public Law 1999, chapter 790, Part D, section 12 asked leave to report that the accompanying Resolve, to Implement Additional Recommendations of the MCJUSTIS Board
H.P. 1279 L.D. 1739

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Pursuant to Resolve

Maine Criminal Justice Information System Policy Board

The **Maine Criminal Justice Information System Policy Board** pursuant to Resolve 1997, chapter 105, section 4 asked leave to report that the accompanying Bill "An Act to Implement Recommendations of the MCJUSTIS Board Pursuant to the Study Required by Resolve 1997, Chapter 105"
H.P. 1280 L.D. 1740

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

On motion by Senator **SMALL** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 27, 2001, at 10:00 in the morning.