

# 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  
March 27, 2001

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

Prayer by Reverend William C. Imes of the First Parish Church in Brunswick.

**REVEREND IMES:** Let us pray. Oh God of truth and beauty, we ask You to pour out Your spirit upon Your servants gathered here. Grant to them the wisdom and insight, patience and perseverance sufficient to achieve their goals, for we rely on these good people to legislate for all of us in ways that responsibly shape our common life. While caring for those in need and protecting the beauty and bounty of the land and waters of this fair state, may they balance our needs for education, for economic development and other great issues of health and safety with our ability to pay in equitable ways for them. Because we need to see far, we ask You to lift this body up and sustain it in this journey in this part of government of, for and by the people. All these blessings we ask in Your holy name. Amen.

Pledge of Allegiance led by Senator Lynn Bromley of Cumberland County.

Doctor of the day, Laurel M. Coleman, M.D. of Augusta.

Reading of the Journal of Thursday, March 22, 2001.

The President requested the Sergeant-At-Arms escort the Senator from Washington, Senator **SHOREY** 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 **KEVIN L. SHOREY** of Washington County.

Senate at Ease.

Senate called to order by President Pro Tem **KEVIN L. SHOREY** of Washington County.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Joint Resolution Encouraging Public Schools to Teach a Firearms and Hunter Safety Course  
S.P. 496

In Senate, March 13, 2001, on motion by Senator **KILKELLY** of Lincoln, **READ** and **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Comes from the House, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in **NON-CONCURRENCE**.

On motion by Senator **MITCHELL** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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**House Papers**

Bill "An Act to Provide for State Monitoring and Management of Conservation Easements"  
H.P. 1252 L.D. 1700

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

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

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

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**Pursuant to Statutes  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act to Broaden the Crime of Abuse of a Corpse"

H.P. 1135 L.D. 1521

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.

**COMMUNICATIONS**

The Following Communication: S.C. 138

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON LABOR**

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 Labor has had under consideration the nomination of Eunice C. Mercier of Augusta, for reappointment to the Maine State Retirement System Board of Trustees.

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 | Edmonds of Cumberland,<br>Turner of Cumberland   |
|        | Representatives | 6 | Bunker of Kossuth Township,<br>Davis of Falmouth, Matthews<br>of Winslow, Norton of<br>Bangor, Tarazewich of<br>Waterboro, Treadwell of<br>Carmel      |
| NAYS   |                 | 0 |  |
| ABSENT |                 | 5 | Rep. Cressey of Baldwin,<br>Rep. Hutton of Bowdoinham,<br>Rep. MacDougall of North<br>Berwick, Sen. Sawyer of<br>Penobscot, Rep. Smith of<br>Van Buren |

Eight 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 Eunice C. Mercier of Augusta, for reappointment to the Maine State Retirement System Board of Trustees be confirmed.

Signed,

S/Betheda G. Edmonds  
Senate Chair

S/Zachary E. Matthews  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#16)**

YEAS: Senators: None

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

ABSENT: Senators: KILKELLY, LEMONT, MILLS

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Eunice C. Mercier** of Augusta, for reappointment to the Maine State Retirement System Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 139

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON LABOR**

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:

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 27, 2001

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 Labor has had under consideration the nomination of Peter M. Leslie of Cape Elizabeth, for reappointment to the Maine State Retirement System Board of Trustees.

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 | Edmonds of Cumberland,<br>Turner of Cumberland   |
|        | Representatives | 6 | Bunker of Kossuth Township,<br>Davis of Falmouth, Matthews<br>of Winslow, Norton of<br>Bangor, Tarazewich of<br>Waterboro, Treadwell of<br>Carmel      |
| NAYS   |                 | 0 |  |
| ABSENT |                 | 5 | Rep. Cressey of Baldwin,<br>Rep. Hutton of Bowdoinham,<br>Rep. MacDougall of North<br>Berwick, Sen. Sawyer of<br>Penobscot, Rep. Smith of<br>Van Buren |

Eight 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 Peter M. Leslie of Cape Elizabeth, for reappointment to the Maine State Retirement System Board of Trustees be confirmed.

Signed,

S/Betheda G. Edmonds  
Senate Chair

S/Zachary E. Matthews  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#17)**

YEAS: Senators: None

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

ABSENT: Senators: KILKELLY, LEMONT, MILLS

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Peter M. Leslie** of Cape Elizabeth, for reappointment to the Maine State Retirement System Board of Trustees was **CONFIRMED**.

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

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The Following Communication: S.C. 140

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON BANKING AND  
INSURANCE**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 391 An Act to Expand the Mission of the Office of the Public Advocate
- L.D. 415 An Act to Strengthen Health Maintenance Organization Insolvency Requirements
- L.D. 594 An Act to Require Health Insurance Providers to Maintain Benefits During the Contract Term
- L.D. 727 Resolve, to Establish a Task Force to Study the Progress in Implementing a Single Claims Processing System

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

Sincerely,

S/Sen. Lloyd P. LaFountain III  
Senate Chair

S/Rep. Christopher P. O'Neil  
House Chair

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

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

Dear President Michaud and Speaker Saxl:

The Following Communication: S.C. 141

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

March 16, 2001

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

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

L.D. 458 An Act to Amend the Laws Governing the Board of Licensing of Auctioneers

L.D. 692 An Act Regarding Minimum Prices for Cigarettes

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

Sincerely,

Dear President Michaud and Speaker Saxl:

S/Sen. Kevin L. Shorey  
Senate Chair

S/Rep. John G. Richardson  
House Chair

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

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

L.D. 360 An Act to Require that Professors of Social Work Be Licensed at the Master Social Worker or the Clinical Social Worker Level

L.D. 432 An Act to Make Changes to the Board of Licensure in Medicine

L.D. 1291 An Act to Prohibit the Importation of Wreaths Made in Canada

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

Sincerely,

S/Sen. Kevin L. Shorey  
Senate Chair

S/Rep. John G. Richardson  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 143

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE**

March 13, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 93 An Act to Implement the Recommendations that Relate to Juvenile and Criminal Law of the Joint Study Committee to Study Bomb Threats in Maine Schools

L.D. 94 An Act to Implement the Minority Recommendations Relating to Criminal and Juvenile Law of the Joint Study Committee to Study Bomb Threats in Maine Schools

L.D. 649 An Act Concerning the Obligation of County Taxpayers to Pay for Medical Care for County Jail Inmates

The Following Communication: S.C. 142

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

March 20, 2001

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

Sincerely,

S/Sen. Michael J. McAlevey  
Senate Chair

S/Rep. Edward J. Povich  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 144

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 941 An Act to Create a Uniform Standard for Disposal of Property Seized by Law Enforcement Agencies

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael J. McAlevey  
Senate Chair

S/Rep. Edward J. Povich  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 145

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

March 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 604 An Act to Improve Education Service for Children with Disabilities

L.D. 878 An Act to Extend Options for Obtaining a General Educational Diploma

L.D. 1134 An Act to Create Equity Among all Children in Need of Special Education or Supportive Services

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

Sincerely,

S/Sen. Betty Lou Mitchell  
Senate Chair

S/Rep. Shirley K. Richard  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 146

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 422 Resolve, to Require the Department of Education to Propose Guidelines for Students Who Have Been Convicted of Violent Crimes

L.D. 999 An Act to Provide First Responder Teams For Schools to Assist with Violent and Chronically Disruptive Students

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

Sincerely,

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 27, 2001

S/Sen. Betty Lou Mitchell  
Senate Chair

S/Rep. Shirley K. Richard  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 147

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON JUDICIARY**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 928 An Act to Reform the Selection of Probate Judges

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Anne M. Rand  
Senate Chair

S/Rep. Charles C. LaVerdiere  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 148

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON LABOR**

March 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1039 An Act to Change the Compensation of the Panel of Mediators

L.D. 1395 An Act to Improve Working Conditions for Migrant Workers

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

Sincerely,

S/Sen. Betheda G. Edmonds  
Senate Chair

S/Rep. Zachary E. Matthews  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 149

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON LABOR**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 979 An Act to Require an Additional Labor Representative on the Board of Trustees of the Maine State Retirement System

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Betheda G. Edmonds  
Senate Chair

S/Rep. Zachary E. Matthews  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 150

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

March 20, 2001



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

Dear President Michaud and Speaker Saxl:

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

- L.D. 821 An Act to Promote the Recycling of Household Batteries
- L.D. 824 An Act to Provide Free Access to Any Great Pond Controlled by a Dam
- L.D. 1031 An Act to Fund the Cleanup of Illegal Dumping Sites

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

Sincerely,

S/Sen. John L. Martin  
Senate Chair

S/Rep. Scott W. Cowger  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 151

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 319 An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. Martha A. Bagley  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 152

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TAXATION**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 723 An Act to Establish a Flat Tax Rate for the Maine Income Tax

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon  
Senate Chair

S/Rep. Bonnie Green  
House Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 153

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TRANSPORTATION**

March 16, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 638 An Act Establishing Children's Identification Cards

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Christine R. Savage  
Senate Chair

S/Rep. Charles D. Fisher  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 154

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 1027 An Act to Set the Lobster License Sale Date

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Kenneth F. Lemont  
Senate Chair

S/Rep. David G. Lemoine  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 155

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 20, 2001

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

Dear President Michaud and Speaker Saxl:

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

L.D. 34 An Act to Increase the Eligibility for the Elderly Low-cost Drug Program

L.D. 187 An Act to Provide Relief from Excessive Drug Costs for Maine Residents

L.D. 189 An Act to Expand the Elderly Low-cost Drug Program to Cover Over-the-counter Drugs

L.D. 465 Resolve, to Provide Medicaid Reimbursement for Service Dogs and Companion Animals

L.D. 887 An Act to Expand the Elderly Low-cost Drug Program

L.D. 920 Resolve, to Require Medicaid Reimbursement for Independent Living Services and Skills Training Provided to Nursing Facility Residents Returning to the Community

L.D. 1003 Resolve, to Increase the Reimbursement Rate for Certain Behavioral Specialists

L.D. 1094 Resolve, to Require Medicaid Reimbursement to Persons with Brain Injuries

L.D. 1107 Resolve, to Exclude Certain Income Earned by Personal Care Assistants from Eligibility Requirements for State Assistance

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

Sincerely,

S/Sen. Susan W. Longley  
Senate Chair

S/Rep. Thomas J. Kane  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

The Following Communication: S.C. 156

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

March 23, 2001

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

Dear President Michaud and Speaker Saxl:

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

- L.D. 582 An Act to Prohibit the State from Competing with Private Industry
- L.D. 639 An Act to Require Notification to All Property Owners in a Municipality of a Zoning Change Made in That Municipality
- L.D. 1131 An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers

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

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. Martha A. Bagley  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

---

#### SENATE PAPERS

Bill "An Act to Address Issues in the Maine Health Insurance Market"  
S.P. 573 L.D. 1745

Sponsored by Senator ABROMSON of Cumberland.  
Cosponsored by Senators: GOLDTHWAIT of Hancock, LaFOUNTAIN of York, MARTIN of Aroostook, Representatives: BRUNO of Raymond, O'NEIL of Saco.  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

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Bill "An Act to Authorize the Surrender of Concealed Firearms Permits of Persons Who are the Subjects of Permanent Protection Orders"

S.P. 574 L.D. 1750

Sponsored by Senator KILKELLY of Lincoln.  
Cosponsored by Representative COLWELL of Gardiner and Senator: MARTIN of Aroostook, Representatives: HONEY of Boothbay, SAVAGE of Buxton, USHER of Westbrook.

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

Sent down for concurrence.

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Bill "An Act to Ensure Patient Access to Medicines"  
S.P. 572 L.D. 1744

Sponsored by Senator MITCHELL of Penobscot.  
Cosponsored by Representative TESSIER of Fairfield and Senators: CARPENTER of York, FERGUSON of Oxford, TURNER of Cumberland, Representatives: FULLER of Manchester, LOVETT of Scarborough, NASS of Acton, NUTTING of Oakland, WINSOR of Norway.

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

Sent down for concurrence.

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Bill "An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act"  
S.P. 575 L.D. 1753

Sponsored by Senator EDMONDS of Cumberland.  
(GOVERNOR'S BILL)  
Cosponsored by Representative MATTHEWS of Winslow.

Bill "An Act to Amend the Laws of the Maine State Retirement System" (EMERGENCY)  
S.P. 576 L.D. 1754

Sponsored by Senator EDMONDS of Cumberland.  
Cosponsored by Representative TREADWELL of Carmel.  
Submitted by the Maine State Retirement System pursuant to Joint Rule 204.

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

Sent down for concurrence.

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#### REPORTS OF COMMITTEES

##### House

##### Change of Committee

The Committee on **NATURAL RESOURCES** on Bill "An Act to Increase the Personnel and Air Quality Oversight of School Construction"

H.P. 725 L.D. 945

Reported that the same be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

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

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**Ought to Pass As Amended**

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Expand the Lifetime Hunting License" H.P. 60 L.D. 69

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-20)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-20) AND HOUSE AMENDMENT "A" (H-45)**.

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

**READ ONCE**.

Committee Amendment "A" (H-20) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-45) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Allow for Mandate-free Catastrophic Care Health Insurance Policies" H.P. 97 L.D. 101

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

Signed:

Senators:  
LaFOUNTAIN of York  
ABROMSON of Cumberland  
DOUGLASS of Androscoggin

Representatives:  
DUDLEY of Portland  
SMITH of Van Buren  
YOUNG of Limestone  
MAYO of Bath  
O'NEIL of Saco  
SULLIVAN of Biddeford  
CANAVAN of Waterville  
MARRACHE of Waterville

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

Signed:

Representatives:  
CRESSEY of Baldwin  
GLYNN of South Portland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Restrict the Use of Handheld Telephones while Driving" H.P. 98 L.D. 102

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

Signed:

Senators:  
SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:  
FISHER of Brewer  
WHEELER of Eliot  
WHEELER of Bridgewater  
COLLINS of Wells  
BUNKER of Kossuth Township  
McNEIL of Rockland  
MARLEY of Portland  
McKENNEY of Cumberland  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-38)**.

Signed:

Representative:  
BOUFFARD of Lewiston

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

Reports **READ**.

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

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**Senate**

**Change of Committee**

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require Explicit Statutory Authority for Expenditure of Certain Public Money for Lobbying Purposes and Private Enterprise and for Private For-profit Gain"

S.P. 207 L.D. 772

Reported that the same be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

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

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

Sent down for concurrence.

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Senator TURNER for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the State Autopsy Law"

S.P. 30 L.D. 128

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

**REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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**Ought to Pass**

Senator BROMLEY for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling" (EMERGENCY)

S.P. 196 L.D. 668

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Ought to Pass As Amended**

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Harness Racing Laws to Provide for Staggered Terms"  
S.P. 265 L.D. 912

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-19)**.

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

**READ ONCE**.

Committee Amendment "A" (S-19) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law" (EMERGENCY)  
S.P. 266 L.D. 913

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-20)**.

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

**READ ONCE**.

Committee Amendment "A" (S-20) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**SECOND READERS**

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

**House**

Bill "An Act to Provide Clarification on the Use of Impact Fees"  
H.P. 268 L.D. 346

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

Bill "An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges" (EMERGENCY)

H.P. 440 L.D. 561

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

**House As Amended**

Bill "An Act to Provide Funds to Purchase Thermal Imaging Cameras"

H.P. 225 L.D. 260  
(C "A" H-34)

Bill "An Act Concerning Recordkeeping in Relation to Employment of Minors"

H.P. 244 L.D. 280  
(C "A" H-36)

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  
(C "A" H-32)

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  
(C "A" H-35)

Bill "An Act to Provide for Variance Notification in the Shoreland Zoning Law"

H.P. 704 L.D. 919  
(C "A" H-33)

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

**Senate**

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

Bill "An Act to Establish a Cold Case Homicide Squad"

S.P. 570 L.D. 1743

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem **KEVIN L. SHOREY** of Washington County.

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tem **KEVIN L. SHOREY** of Washington County.

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 Measure**

An Act to Establish the Dairy Industry Fund  
H.P. 1022 L.D. 1371  
(C "A" H-39)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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 Pro Tem, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 27, 2001

On motion by President Pro Tem **BENNETT** of Oxford,  
**ADJOURNED**, to Wednesday, March 28, 2001, at 10:00 in the  
morning.