

# 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  
Saturday  
March 31, 2001

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

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Prayer by Senator Chandler E. Woodcock of Franklin County.

**SENATOR WOODCOCK:** Good afternoon to my colleagues in the Senate. Prior to our prayer, I would say to you, as a reward for your diligence over the last few days, please remember to set your clocks ahead an hour tonight. Let us pray.

Lord, it is in the attitude of peaceful prayer that we turn to You for guidance. This day we ask that Your blessings be bestowed upon the members of the Maine Senate. We pray that You will teach us to respect each other, not necessarily for what we believe, but for how we believe. We particularly ask Your blessings for those who lead. May they lead with a spirit of inspiration and a reverence for those being led. At times our humanness overwhelms our faith and we sin. In so doing, we inflict pain upon others. Our frailties are many. We must turn to You, not our frailties, for the answers. Forgive us, we pray. We gather today in this historic chamber as servants of the people. Help us to remember that we must always be servants of God. We are mindful this afternoon that there are those who wander aimlessly in a wilderness of spiritual despair. Guide them, we pray. We are also aware, that despite the beauty of this season, for many it brings significant hardship. Comfort them, we pray. Assembled here today are those who have suffered loss. Often it is difficult to comprehend or accept. Soothe them, we pray. It is a miracle of life that others seek. Some in need of a miracle gather here. Touch them, we pray. On this glorious day we pause to give thanks for our multitude of blessings. Many hunger for provisions. We do not. Many hunger for the love of family and friends. We do not. Many hunger for freedom. We do not. Many hunger for Your loving presence. We do not. How is it that we are so richly blessed? We must always remember the source of our blessings, for at times we do not. It is in the spirit of reverence, oh loving and compassionate God, that we give thanks for all that is ours, for all that is ours has come from You. Amen.

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Reading of the Journal of Friday, March 30, 2001.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 256 L.D. 300  
(S "K" S-36 to C "A" H-55)

In House, March 28, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55).**

In Senate, March 29, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55) AS AMENDED BY SENATE AMENDMENT "K" (S-36) thereto, in NON-CONCURRENCE.**

Comes from the House, that Body having **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION.**

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**House Paper**

Bill "An Act to Address Maine's School Facilities Needs"  
H.P. 1294 L.D. 1762

Comes 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.

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**COMMUNICATIONS**

The Following Communication: S.C. 170

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

March 23, 2001

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

Dear Secretary O'Brien:

Please be advised that I have made the following appointments:

Advisory Committee on Dental Education; Pursuant to P.L., Chapter 496:

Senator Karl Turner of Cumberland County

Committee to Advise the Department of Human Services on AIDS; Pursuant to 5 M.R.S.A., Section 19202, as amended by chapter 390:

Senator Joel Abromson of Cumberland County:

Family Court Oversight Committee:

Senator Neria Douglass of Androscoggin County

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Michael H. Michaud  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 171

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

March 23, 2001

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

Dear Secretary O'Brien:

In accordance with Resolves 1999, ch. 131 - Resolve to Create the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft, I am pleased to re-appoint the following State Senators:

Senator Marge Kilkelly of Lincoln County, Chair;  
Senator Jill Goldthwait of Hancock County

I am pleased to appoint the following State Senators:

Senator Richard Kneeland of Aroostook County;  
Senator Kenneth Gagnon of Kennebec County; and  
Senator Christine Savage of Knox County.

If you have any questions regarding these appointments, please contact my office.

Sincerely,

S/Michael H. Michaud  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **TRANSPORTATION** on Bill "An Act to Allow Private Maintenance of Public Easements"

H.P. 589 L.D. 744

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

**REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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**Ought to Pass As Amended**

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide Free Commercial Shooting Area Licenses For Seniors"

H.P. 155 L.D. 166

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-58)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58)**.

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

**READ ONCE.**

Committee Amendment "A" (H-58) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend Certain Provisions of Maine's Wild Turkey Hunting Season"

H.P. 269 L.D. 347

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-59)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59)**.

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

**READ ONCE.**

Committee Amendment "A" (H-59) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide Additional Resources to the Oxford County Fair Society"  
H.P. 831 L.D. 1103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-56).**

Signed:

Senators:  
KNEELAND of Aroostook  
NUTTING of Androscoggin

Representatives:  
McKEE of Wayne  
HAWES of Standish  
LUNDEEN of Mars Hill  
PINEAU of Jay  
GOOLEY of Farmington  
FOSTER of Gray  
JODREY of Bethel

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

Signed:

Representatives:  
VOLENIK of Brooklin  
LANDRY of Patten  
CARR of Lincoln

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56).**

Reports **READ.**

On motion by Senator **KNEELAND** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-56) **READ** and **ADOPTED**, in concurrence.

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

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**Senate**

**Ought to Pass As Amended**

Senator **RAND** for the Committee on **JUDICIARY** on Bill "An Act to Update the Probate Code"  
S.P. 218 L.D. 783

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-37).**

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

**READ ONCE.**

Committee Amendment "A" (S-37) **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 As Amended**

Bill "An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers" (EMERGENCY)  
H.P. 522 L.D. 677  
(C "A" H-53)

Bill "An Act to Require Background Checks for Adoptions"  
H.P. 815 L.D. 1070  
(C "A" H-54)

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

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**Senate As Amended**

Bill "An Act to Reduce Noise Pollution"  
S.P. 153 L.D. 497  
(C "A" S-33)

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

Sent down for concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act to Clarify the Act of Separation of Frye Island from the Town of Standish  
S.P. 156 L.D. 500

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

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**Emergency Measure**

An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges  
H.P. 440 L.D. 561

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

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**Acts**

An Act to Expand the Lifetime Hunting License  
H.P. 60 L.D. 69  
(C "A" H-20; H "A" H-45)

An Act to Authorize the Maine Land Use Regulation Commission to Receive Real Estate Transfer Tax Forms for Municipalities in its Jurisdiction  
S.P. 67 L.D. 263  
(C "A" S-14)

An Act Concerning Recordkeeping in Relation to Employment of Minors  
H.P. 244 L.D. 280  
(C "A" H-36)

An Act to Specify the Permissible Hours for Sale of Liquor By Wholesale Licensees  
S.P. 76 L.D. 296  
(C "A" S-12)

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

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)

An Act to Provide an Opportunity for Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives  
H.P. 390 L.D. 511  
(C "A" H-35)

An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court  
H.P. 438 L.D. 559

**PASSED TO BE ENACTED** and having been signed by the President were presented by the Secretary to the Governor for his approval.

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An Act to Provide Funds to Purchase Thermal Imaging Cameras  
H.P. 225 L.D. 260  
(C "A" H-34)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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An Act to Designate the Ryefield Bridge an Historic Bridge  
S.P. 82 L.D. 302  
(C "A" S-9)

On motion by Senator **SAVAGE** of Knox, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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An Act to Promote Equity Among Health Care Clinics  
S.P. 128 L.D. 404  
(C "A" S-15)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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An Act to Provide for Variance Notification in the Shoreland Zoning Law  
H.P. 704 L.D. 919  
(C "A" H-33)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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**Resolve**

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)

**FINALLY PASSED** and having been signed by the President  
was presented by the Secretary to the Governor for his approval.

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

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

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**RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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Off Record Remarks

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Senator **RAND** of Cumberland was granted unanimous consent  
to address the Senate off the Record.

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Senator **SAWYER** of Penobscot was granted unanimous consent  
to address the Senate off the Record.

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

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On motion by President Pro Tem **BENNETT** of Oxford,  
**ADJOURNED** to Tuesday, April 3, 2001, at 10:00 in the morning.