

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

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

In Senate Chamber
Tuesday
April 3, 2001

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

Prayer by Father Edward Sheehan of the St. John the Baptist Church in Brunswick.

FATHER SHEEHAN: All Mighty Creator, this august body gathers in Your presence. They gather to discern the ways of truth and righteousness. Using the talents and abilities of its members, it seeks to provide leadership for the State of Maine. All Mighty Creator, assist these Senators in legislating wisely for the people of this great state. Let them be aware of the beauty in the life of human creatures. Let them be aware of the poor, the needy, and the homeless. Let them be aware of the concerns of seniors and students. Assist them as they seek to lift the burdens of Maine's citizens. Aide them to legislate freedom for all. Gracious Creator, we open ourselves to Your will. Give these men and women the graces they need to protect the freedoms and rights of Maine's citizens. We pray also, Almighty, for the safe returns of our sons and daughters detained by the Chinese. We thank all veterans for their willingness to serve. Shower Your love upon us this morning. Help us to make our state truly "the way life should be." Bless each and every one as we discern the numerous bills. May each vote be a vote of an informed conscience. Help each Senator put aside any and all undue political influence. Hear us this day, Almighty Creator, as we pray these prayers of intercession. Amen.

Pledge of Allegiance led by Senator Mary R. Cathcart of Penobscot County.

Reading of the Journal of Saturday, March 31, 2001.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Franklin, Senator **WOODCOCK** 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 **CHANDLER E. WOODCOCK** of Franklin County.

Senate at Ease.

Senate called to order by President Pro Tem
CHANDLER E. WOODCOCK
of Franklin County.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Create the Crime of Aggravated Endangering the Welfare of a Child"

S.P. 588 L.D. 1764

Sponsored by Senator McALEVEY of York.
Cosponsored by Representative POVICH of Ellsworth and Senators: DAVIS of Piscataquis, O'GARA of Cumberland, Representatives: BLANCHETTE of Bangor, GERZOFISKY of Brunswick, MAYO of Bath, O'BRIEN of Lewiston, SNOWE-MELLO of Poland.
Submitted by the Department of the Attorney General and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act to Transfer Funds from the Department of Labor for a Full-time Hearing Officer for the Workers' Compensation Board"
S.P. 587 L.D. 1763

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative MICHAUD of Fort Kent and Senator KNEELAND of Aroostook, President MICHAUD of Penobscot, Representatives: BELANGER of Caribou, CARR of Lincoln, DESMOND of Mapleton, PARADIS of Frenchville, SMITH of Van Buren, STANLEY of Medway.

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

Sent down for concurrence.

ORDERS

Expressions of Legislative Sentiment recognizing:

Alex Hall, of Bangor, a member of the Bangor YMCA Swim Team, who has been awarded the honor of Outstanding YMCA Swimmer Participant. This award is given to those who best exemplify the ideals of YMCA competitive swimming and the characteristics of a true YMCA participant. We extend our congratulations and best wishes to him;

SLS 117

Sponsored by Senator SAWYER of Penobscot.
Cosponsored by Representative NORTON of Bangor,
Representative BLANCHETTE of Bangor, Representative
PERRY of Bangor, Representative BAKER of Bangor.

READ.

On motion by Senator **SAWYER** of Penobscot, **TABLED** until
Later in Today's Session, pending **PASSAGE**.

Joint Resolution

On motion by President Pro Tem **BENNETT** of Oxford
(Cosponsored by Speaker **SAXL** of Portland and President
MICHAUD of Penobscot, Senators: **O'GARA** of Cumberland,
SAVAGE of Knox, **SAWYER** of Penobscot, **SHOREY** of
Washington, **YOUNGBLOOD** of Penobscot, Representatives:
FISHER of Brewer, **JODREY** of Bethel) (Approved for
introduction by a majority of the Legislative Council pursuant to
Joint Rule 214), the following Joint Resolution:

S.P. 589

**JOINT RESOLUTION MEMORIALIZING CONGRESS AND THE
UNITED STATES DEPARTMENT OF TRANSPORTATION TO
STUDY THE SUFFICIENCY OF WEST-EAST
TRANSPORTATION LINKS**

WE, your Memorialists, the Members of the One Hundred
and Twentieth Legislature of the State of Maine now assembled
in the First Regular Session, most respectfully present and
petition the Congress of the United States and the United States
Department of Transportation as follows:

WHEREAS, on January 1, 1994, the United States of
America joined with Canada and Mexico in creating a
hemispheric trading zone; and

WHEREAS, NAFTA recognized the importance of efficient
international transportation throughout North America as an
integral element to a healthy economy; and

WHEREAS, Congress has recognized the importance of
international corridors and border crossings in the Transportation
Equity Act for the 21st Century; and

WHEREAS, Atlantic Canada, northern New England, upstate
New York, Quebec and Ontario comprise the northeastern
portion of North America; and

WHEREAS, the northeastern region is developing closer
ties; and

WHEREAS, west-east travel in the northeastern region is
difficult and dangerous; and

WHEREAS, the people of the northeast region deserve
transportation systems that will permit them to travel safely and
efficiently and to sustain their families and communities through
safe and efficient regional transportation links; now, therefore, be
it

RESOLVED: That, We, your Memorialists, respectfully urge
and request that the Federal Highway Administration of the
United States Department of Transportation study the sufficiency
of the transportation links on west-east axes from Halifax, Nova
Scotia through Maine and Quebec to the Windsor, Ontario-
Buffalo, New York region and from Halifax, Nova Scotia through
Maine, northern New Hampshire and Vermont and eastern and
central New York to the Windsor, Ontario-Buffalo, New York
region; and be it further

RESOLVED: That this study evaluate the economic
potential of the northeast region without significant changes in its
transportation infrastructure, and then evaluate the economic
potential of the northeast region with significant changes in its
transportation infrastructure, including such factors as safety of
transportation, efficiency of transportation, proximity to European
and central North American markets and points of production;
and be it further

RESOLVED: That the Federal Highway Administration of
the United States Department of Transportation conduct this
study with Canada and any other governmental agency or
agencies Canada may designate to participate in this study,
including, but not limited to, Transport Canada; and be it further

RESOLVED: That suitable copies of this resolution, duly
authenticated by the Secretary of State, be transmitted to the
United States Department of Transportation, the United States
Department of Commerce, Transport Canada, Foreign Affairs
and International Trade Canada, Citizenship and Immigration
Canada, Revenue Canada and to each Member of the
Congressional Delegations of New Hampshire, Vermont, New
York and Maine.

READ.

On further motion by same Senator, **REFERRED** to the
Committee on **TRANSPORTATION**.

Sent down for concurrence.

Off Record Remarks

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator FERGUSON for the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Small Power Production and Cogeneration Laws"

S.P. 151 L.D. 495

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-38)**.

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

READ ONCE.

Committee Amendment "A" (S-38) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House As Amended

Bill "An Act to Provide Free Commercial Shooting Area Licenses For Seniors"

H.P. 155 L.D. 166
(C "A" H-58)

Bill "An Act to Amend Certain Provisions of Maine's Wild Turkey Hunting Season"

H.P. 269 L.D. 347
(C "A" H-59)

Bill "An Act to Provide Additional Resources to the Oxford County Fair Society"

H.P. 831 L.D. 1103
(C "A" H-56)

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

Senate As Amended

Bill "An Act to Update the Probate Code"

S.P. 218 L.D. 783
(C "A" S-37)

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tem

CHANDLER E. WOODCOCK
of Franklin County.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tem
CHANDLER E. WOODCOCK
of Franklin County.

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

ORDERS

Joint Resolution

On motion by President **MICHAUD** of Penobscot (Cosponsored by Representative **BAKER** of Bangor and Senator **ABROMSON** of Cumberland, President Pro Tem **BENNETT** of Oxford, Senators: **DAGGETT** of Kennebec, **EDMONDS** of Cumberland, **TREAT** of Kennebec, Representatives: **JONES** of Greenville, **NORBERT** of Portland, **SULLIVAN** of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214), the following Joint Resolution:
S.P. 590

**JOINT RESOLUTION MEMORIALIZING THE
PRESIDENT OF THE UNITED STATES AND THE
CONGRESS OF THE UNITED STATES TO SUPPORT PAY
EQUITY**

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States, as follows:

WHEREAS, the average American woman who works full time earns approximately 74¢ for each dollar that an average man earns working full time, and the average woman working full time in Maine earns approximately 73¢ for each dollar that an average man working full time in Maine earns; and

WHEREAS, the significant pay gap between men and women performing jobs of comparable skill, effort and responsibility, even when wages are adjusted for levels of education, contributes to the disproportionately high poverty rate among women and children in the State and across the Nation; and

WHEREAS, Congress has found that the gender-based wage gap depresses living standards for American women and their families, harms their health and efficiency, prevents the maximum utilization of available labor resources and tends to cause labor disputes, thereby burdening, affecting and obstructing commerce and creating unfair methods of competition; and

WHEREAS, justice requires that women be paid fairly for the value of their work; and

WHEREAS, the average wage gap between men and women has continued for decades without significant improvement, notwithstanding federal and state laws that prohibit discrimination in compensation for equal work on the basis of sex, including the federal Fair Labor Standards Act of 1938, Title VII of the federal Civil Rights Act of 1964 and the Maine Revised Statutes, Title 26, section 628; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States strengthen efforts to ensure that women are paid fairly for their work; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

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

ORDERS OF THE DAY

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

Expressions of Legislative Sentiment recognizing:

JOINT ORDER - relative to recognizing Alex Hall, of Bangor, a member of the Bangor YMCA Swim Team, who has been awarded the honor of Outstanding YMCA Swimmer Participant.
SLS 117

Tabled - April 3, 2001, by Senator **SAWYER** of Penobscot

Pending - **PASSAGE**

(In Senate, April 3, 2001, **READ.**)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Sawyer.

Senator **SAWYER:** Thank you, Mr. President. Ladies and gentlemen of the Senate. I would like to point out that Alex Hall not only received the YMCA Swimmer of the Event held at the University of Maine two weekends ago, but those of you in

Appropriations will get to see young Mr. Hall this afternoon. Alex is blind. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/28/01) Assigned matter:

JOINT ORDER - relative to the Calais High School Lady Blue Devils Girls Basketball Team who won the 2001 State Class C Championship

SLS 110

Tabled - March 28, 2001, by Senator **SHOREY** of Washington

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

(In Senate, March 28, 2001, **READ.**)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Washington, Senator Shorey.

Senator **SHOREY:** Thank you, Mr. President. Mr. President, men and women of the Senate. I rise today with great pride to honor the Calais Lady Blue Devils, the Class C Basketball Champions. These fine student athletes, along with Coach Bob McShane and Assistant Coaches Brenda Batson, Dana Redding and Lori Frost, are continuing a tremendous basketball tradition in Calais with their second gold ball in three years. These athletes are a credit to our community and are role models for the children of Calais, including my own two children. The championship game was a true indication of their character. As someone else who knows quite a bit about basketball, the good Senator from Franklin, said he didn't understand how they won the game. Well they did because they never gave up. My congratulations to them. Thank you, Mr. President.

PASSED.

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

Off Record Remarks

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Wednesday, April 4, 2001, at 10:00 in the morning.