

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
Wednesday
April 11, 2001

Senate called to order by President Pro Tem William B. O'Gara of Cumberland County.

Prayer by Pastor David Kelley of the Grace Bible Church in Sangerville.

PASTOR KELLEY: I consider it an honor and a privilege to be with you here this morning. I'd like to share a very brief prayer, tucked away in First Chronicles, chapter 4. The rest of the whole chapter is nothing but a list of names, but what's significant about this individual, Jabez, is that his prayer is recorded for us, recorded for all times. The only thing that is noted about him other than his name is that God had blessed him. That's indeed what we're asking for this morning. Let's bow in prayer.

Dear God and Father in Heaven, I pray that You would bless us indeed. May You enlarge our territory. May Your hand be upon us and we ask that You would keep us from evil. We ask You these things in the name of Jesus Christ, our Lord. Amen.

Off Record Remarks

Reading of the Journal of Tuesday, April 10, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order: H.P. 1301

ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, legislation designating the St. John Valley as a separate tourism area.

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

READ and **PASSED**, in concurrence.

The following Joint Order: H.P. 1303

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out, to the House, legislation establishing a study of the child protection system.

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

READ and **PASSED**, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1302

**JOINT RESOLUTION RECOGNIZING
PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that usually affects adults over 40 years of age, although it can occur in any of 3 forms: late-life Parkinson's disease; young-onset Parkinson's disease, which affects adults under 40 years of age; and juvenile Parkinson's disease; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age and in a significant number of people under 40 years of age; and

WHEREAS, there are 60,000 new patients diagnosed with Parkinson's disease annually in the United States, one every 9 minutes; and

WHEREAS, according to the American Parkinson Disease Association, there are approximately 1,500,000 people in the United States diagnosed with Parkinson's disease, of which an estimated 7,000 or more are in the State of Maine; and

WHEREAS, Parkinson's disease causes a loss of cell function deep within the brain and it is currently an incurable brain disorder of unknown origin that disrupts and may end the lives of those who suffer from it as well as overwhelm the lives of their families and friends; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological, physical and financial toll on the patients as well as on their families and friends; and

WHEREAS, the symptoms of Parkinson's disease, which are tremors, slowness of movement, shuffling gait, difficulty with balance, malfunction of vocal cords, lessened facial expression, intestinal difficulties and emotional changes, are often mistaken as a normal part of the aging process; and

WHEREAS, medications can only control some of the symptoms of Parkinson's disease and only for uncertain periods of time; and

WHEREAS, there is a great need for further training and education in the health care and legal professions to protect the rights of persons with Parkinson's disease; and

WHEREAS, there is an urgent need for a Parkinson's disease clinic in Maine to give patients easier access to specialists in Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, increased research is needed to help find more effective treatments and ultimately to find a cure for Parkinson's disease; and

WHEREAS, full implementation of federal law, the Morris K. Udall Parkinson's Disease Research Act of 1997, which directs the National Institutes of Health to spend up to \$100,000,000 annually on Parkinson's disease research, is critical; and

WHEREAS, April 11th has been proclaimed World Parkinson's Disease Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the Maine Chapter of the American Parkinson Disease Association and the Board of Licensure in Medicine.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: H.C. 185

120TH LEGISLATURE HOUSE OF REPRESENTATIVES

April 10, 2001

Honorable Joy J. O'Brien
Secretary of the Senate
120th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere on Bill "An Act to Update the Abandoned Property Laws"

(S.P. 120) (L.D. 396)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY)

H.P. 232 L.D. 269

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-94)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-94)**.

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

READ ONCE.

Committee Amendment "A" (H-94) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife to Submit a Proposal to Encourage the Harvest of Coyotes

H.P. 199 L.D. 229

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-98)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.

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

READ ONCE.

Committee Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act to Correct Errors in the Laws Regarding Court Unification" (EMERGENCY)
H.P. 732 L.D. 952

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-95)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-95)**.

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

READ ONCE.

Committee Amendment "A" (H-95) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers"
H.P. 146 L.D. 157

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-93)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-93)**.

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

READ ONCE.

Committee Amendment "A" (H-93) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator PENDLETON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails"
S.P. 150 L.D. 494

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator SHOREY for the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Clarify the Use of the Municipal Investment Trust Fund"
S.P. 197 L.D. 669

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-52)**.

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

READ ONCE.

Committee Amendment "A" (S-52) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator YOUNGBLOOD for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Relating to the Celebration of Veterans' Week"
S.P. 277 L.D. 988

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-53)**.

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

READ ONCE.

Committee Amendment "A" (S-53) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator O'GARA for the Committee on **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund 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)
S.P. 434 L.D. 1414

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-51)**.

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

READ ONCE.

Committee Amendment "A" (S-51) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

Bill "An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates"

H.P. 782 L.D. 1026

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

Senate

Bill "An Act Related to the Financial Regulation of Health Maintenance Organizations"

S.P. 387 L.D. 1284

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Exempt Holocaust Survivors' Compensation from Maine Income Tax"

S.P. 31 L.D. 129
(C "A" S-42)

Bill "An Act to Clarify Mixed Automobile Insurance"

S.P. 45 L.D. 213
(C "A" S-41)

Bill "An Act to Authorize the Department of Transportation to Locate and Construct Railroad Lines"

S.P. 140 L.D. 463
(C "A" S-46)

Bill "An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company" (EMERGENCY)

S.P. 159 L.D. 503
(C "A" S-45)

Bill "An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License"

S.P. 208 L.D. 773
(C "A" S-47)

Bill "An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)

S.P. 212 L.D. 777
(C "A" S-48)

Bill "An Act to Amend the Laws Pertaining to the Control of Disease in Poultry"

S.P. 259 L.D. 906
(C "A" S-49)

Bill "An Act to Streamline the Administration of the Potato Marketing Improvement Fund"

S.P. 451 L.D. 1505
(C "A" S-50)

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act Concerning Commercial Shooting Areas

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

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President Pro Tem, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act to Clarify the Testing Process for the Licensing of Guides

S.P. 167 L.D. 586
(C "A" S-24)

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.

Emergency Measure

An Act to Amend the Harness Racing Laws to Provide for Staggered Terms

S.P. 265 L.D. 912
(C "A" S-19)

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.

Acts

An Act to Provide the Right to a Jury Trial in Civil Actions for Civil Rights Violations

H.P. 47 L.D. 56
(C "A" H-73)

An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund

S.P. 32 L.D. 130
(C "A" S-21)

An Act to Change the Criteria for Intervenor Status

H.P. 151 L.D. 162
(C "A" H-74)

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

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

An Act to Require Telephone Utility Participation in Enhanced 9-1-1

H.P. 312 L.D. 390
(C "A" H-78)

An Act to Facilitate Passenger Rail Transportation by Limiting Liability

S.P. 202 L.D. 767
(C "A" S-23)

An Act to Update the Probate Code

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

An Act to Clarify the Laws Relating to Corporate and Other Entities

H.P. 813 L.D. 1068
(C "A" H-75)

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

An Act to Ensure the Continuing Beauty and Accessibility of Capitol Park

H.P. 158 L.D. 169
(C "A" H-76)

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

An Act to Improve Allowances for Jury Duty

S.P. 57 L.D. 221
(C "A" S-22)

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

An Act to Reduce Noise Pollution

S.P. 153 L.D. 497
(C "A" S-33)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, members of the Senate. The title sort of intrigued me and I would ask you to take L.D. 497 with the amendment and take a look at the bill. "An Act to Reduce Noise Pollution." I was involved with a similar idea a number of years ago dealing with a problem we had in Aroostook County on agricultural noise. When we got through it, we realized that in order to enforce anything dealing with noise, someone needed to have a noise meter. What this bill does is to say that you can't be riding a vehicle, and the amendment is amended to say "on a public way at a volume that is audible at a distance of greater than 25 feet and exceeds 85 decibels." So as you're riding your vehicle, or someone is but it won't be me as I don't like to hear the sound that loud to begin with but some of the teenagers that we all know do, someone is going to stop them and say it's too loud. Now someone's going to need a decibel meter. State Police do not carry those. Are they then going to cease the car at the noise level that it's at and then go find a decibel meter and then test it? I think we're asking for trouble. The fine sponsor is a member of this body, the Senator from York, and I'd like him or members of the Transportation Committee to explain how we're going to be able to enforce it, what the cost will be of the decibel meters that we're going to have to provide to Municipal and State Police, and whether or not this potentially becomes a method of harassment for Maine's young people. So I hate to pose those

questions because I know it was a unanimous report and you know how we pride ourselves on saying we shouldn't mess with one another's bills when they are unanimous. I have some real concern that we're going to create a bill and the law subsequent to the bill that is going to drive all of us crazy when we get out of here with phone calls from our constituents. Maybe now is not the time for those questions to be answered. Maybe the time is to table it and see if there's a way to deal with it. Maybe the thing to do is to refer it back to committee. But I think we'd better stop before we go too far.

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

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

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

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

The President appointed the Senator from Lincoln, Senator **KILKELLY**, to serve as President Pro Tem for the session on Thursday, April 12, 2001.

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

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

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

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Thursday, April 12, 2001, at 10:00 in the morning.