

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
Friday
May 4, 2001

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

Prayer by Deacon Dean Lachance of the St. Paul's Center in Augusta.

DEACON LACHANCE: Let us pray. First we thank God for Rose Beckwith and her saving the precious life of Travis Robbins. Truly a special timing and blessing of God. And as for our Senate leaders and for Maine, we ask God to help us and to help them. Knowing our time is a gift from You, help us wisely to use this time. Help us to gently listen to each other, to help those who need it most. And help our public servants here finish the budget and make it a good one. And they all said Amen.

Doctor of the day, Spence Bisbing, D.O. of Cumberland Foreside.

Reading of the Journal of Thursday, May 3, 2001.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act to Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions"

H.P. 471 L.D. 599
(C "A" H-198)

In Senate, April 30, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198) AND HOUSE AMENDMENT "A" (H-266)**, in **NON-CONCURRENCE**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Rose Beckwith, of Richmond, an educator at the Marcia Buker School, who used her first aid training to clear the passage of a choking 4-year-old preschool student on November 20, 2000. Ms. Beckwith has also been awarded the 2001 Joan McGovern Educational Support Personnel Award by the Maine Education Association at the Midcoast Annual Conference. We send our heartfelt appreciation to her for her quick actions that saved the life of the preschooler and extend our congratulations to her on being honored by the association;

SLS 183

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative HUTTON of Bowdoinham.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator TREAT: Thank you Mr. President, men and women of the Senate. I'm very honored and pleased today to be able to be able to present a legislative Sentiment to Rose Beckwith who used extraordinary action this past fall and saved the life of a preschooler. As is so often the case, I think that some of the more extraordinary actions are done by some of the more modest people. You probably wouldn't even know about this except that Rose has a very immodest father who is quite proud of his daughter. His name is Larry Dearborn and some of you may know him for his activities in behalf of the veterans of the state. They are all constituents of mine. Larry made sure that not only did I know about this but also that we made sure that all of the Legislature knew about it, and I think we should. I am very pleased today to have with us not only Rose, but also Travis Robbins whose life she saved; Travis' father Gary; Rose's parents Larry and Gisela Dearborn; Joan Callahan, who is the director of special education for the Richmond schools where Rose works; and also friends of Rose's family, Pam and Richard Wiezenberg. I hope the entire Senate would join with me in congratulating Rose on her extraordinary effort.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber, Rose and company. Would you please rise and accept the greetings of the Senate Chamber?

PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act Concerning Runaways"

H.P. 851 L.D. 1123

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

Signed:

Senators:

McALEVEY of York
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
O'BRIEN of Lewiston
BLANCHETTE of Bangor
TOBIN of Dexter
QUINT of Portland
PEAVEY of Woolwich
GERZOFKY of Brunswick
MITCHELL of Vassalboro
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271)**.

Signed:

Representative:

SNOWE-MELLO of Poland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Promote Abstinence in Sex Education and through Public Education"

H.P. 947 L.D. 1261

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

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York
LEDWIN of Holden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-208)**.

Signed:

Representatives:

STEDMAN of Hartland
WESTON of Montville

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 Allow a Mortgagee to Select a Land Title Company to Perform the Title Search"

H.P. 489 L.D. 629

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

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
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-276).**

Divided Report

Signed:

Representatives:

SHERMAN of Hodgdon
MENDROS of Lewiston

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

Reports **READ**.

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

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect the Rights of Maine Citizens and Industries from Influences Outside of Maine" (EMERGENCY)

H.P. 622 L.D. 822

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

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, Establishing a Panel for Repeal of Unnecessary or Archaic Laws
H.P. 566 L.D. 721

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

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
SHERMAN of Hodgdon

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

Signed:

MENDROS of Lewiston

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

Reports **READ**.

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

Divided Report

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-285).**

Signed:

Representatives:

WATERHOUSE of Bridgton
MENDROS of Lewiston

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

Reports **READ**.

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

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Bring the Takings Law into Compliance with the Constitution of Maine and the United States Constitution"

H.P. 1147 L.D. 1550

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

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277)**.

Signed:

Representatives:

WATERHOUSE of Bridgton
MENDROS of Lewiston

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Resolve, to Direct the State Planning Office to Provide Community Forestry Training to Towns

S.P. 199 L.D. 671

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-136)**.

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

READ ONCE.

Committee Amendment "A" (S-136) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-136)**.

Sent down for concurrence.

Senator **MARTIN** for the Committee on **NATURAL RESOURCES** on Bill "An Act to Require Truth in Advertising of Natural Water" S.P. 414 L.D. 1358

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-135)**.

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

READ ONCE.

Committee Amendment "A" (S-135) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-135)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs" S.P. 376 L.D. 1214

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

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:

DESMOND of Mapleton
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 as Amended by Committee Amendment "A" (S-134)**.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

RICHARD of Madison
SKOGLUND of St. George
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland

Reports **READ**.

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

ENACTORS

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

Act

An Act to Require the State to Pay Medicare Costs for Retired Employees, Retired Teachers and Retirees in Participating Local Districts

H.P. 141 L.D. 152
(C "A" H-132)

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

RECALLED FROM GOVERNOR'S DESK

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)

(In Senate, April 30, 2001, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 608), in concurrence.)

On motion by Senator **SAVAGE** of Knox, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

RECALLED FROM LEGISLATIVE FILES

An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities

S.P. 331 L.D. 1099

(In Senate, April 30, 2001, placed in Legislative Files pursuant to Joint Rule 310.3, in concurrence.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order (S.P. 606), in concurrence)

On motion by Senator **MCALLEVEY** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ACCEPTED** the **OUGHT NOT TO PASS** Report.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE**, in **NON-CONCURRENCE**.

Sent down for 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 Create the Healthy Maine Prescription Program" (EMERGENCY)

H.P. 1334 L.D. 1790

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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

Bill "An Act Regarding the Length of Service for Retirement Benefits and Limits on Earnable Compensation for Certain State Employees"

H.P. 1333 L.D. 1789

Comes from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Maine Millennium Commission on Hunger and Food Security Concerning Child Nutrition Services"

H.P. 788 L.D. 1032

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-293)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293)**.

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

READ ONCE.

Committee Amendment "A" (H-293) **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-293)**, in concurrence.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals"

H.P. 901 L.D. 1193

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-292)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**.

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

READ ONCE.

Committee Amendment "A" (H-292) **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-292)**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act to Allow Vehicles Purchased at Auction to Travel 25 Miles After Delivery at a Dealership for Inspection and Repair"

H.P. 445 L.D. 566

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-291)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**.

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

READ ONCE.

Committee Amendment "A" (H-291) **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-291)**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Prevent Theft of Motor Fuels"

H.P. 907 L.D. 1221

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

Signed:

Senator:
McALEVEY of York

Representatives:
POVICH of Ellsworth
BLANCHETTE of Bangor
TOBIN of Dexter
QUINT of Portland
PEAVEY of Woolwich
GERZOFISKY of Brunswick
MITCHELL of Vassalboro
WHEELER of Bridgewater

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272)**.

Signed:

Senators:
O'GARA of Cumberland
DAVIS of Piscataquis

Representative:
SNOWE-MELLO of Poland

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

Reports **READ**.

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

On motion by President Pro Tem **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending motion by Senator **McALEVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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 Amend the Law Governing the Child Care Advisory Council and to Gather Data on Child Care Services in the State
S.P. 21 L.D. 37
(C "A" S-92)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 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.

Emergency Resolve

Resolve, to Establish the Commission to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers

S.P. 131 L.D. 455
(C "A" S-105)

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

Emergency Resolve

Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State

S.P. 513 L.D. 1632
(C "A" S-107)

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

Acts

An Act to Amend the Employment Tax Increment Financing Program

S.P. 192 L.D. 664
(C "A" S-102)

An Act to Implement the Recommendations of the Joint Standing Committee on Taxation Resulting from Its Review of Income Tax Expenditures Pursuant to the Maine Revised Statutes, Title 36, chapter 9

S.P. 234 L.D. 803
(C "A" S-101)

An Act to Provide for Plenary Proceedings in Actions for Forcible Entry and Detainer

S.P. 239 L.D. 807

An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales

S.P. 247 L.D. 815
(C "A" S-104)

An Act to Change the Dates for Licensing of Agricultural Fairs and Exhibitions

S.P. 284 L.D. 995
(C "A" S-99)

An Act to Restrict the Use of the Term "Maine Water" to Water From Maine

S.P. 410 L.D. 1354

An Act to Permit the Issuance of Certain Types of Consumer Credit Insurance

S.P. 511 L.D. 1630
(C "A" S-89)

An Act to Amend the Laws Pertaining to the Maine Small Business Commission

S.P. 515 L.D. 1634

An Act to Amend the Revised Maine Securities Act

S.P. 518 L.D. 1637
(C "A" S-88)

An Act to Allow Averaging of Unallocated Balances Over 3% for School Budgets

S.P. 524 L.D. 1647

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

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably

S.P. 133 L.D. 457
(C "A" S-100)

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

An Act to Improve Washington County's Economy by Promoting Natural, Historical and Cultural Tourism

S.P. 272 L.D. 937

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

An Act to Provide Annual Support to the Maine Rural Development Council and its Community Capacity Building Work in Distressed Areas of the State

S.P. 335 L.D. 1142

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

An Act to Provide Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals

S.P. 523 L.D. 1646

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following matter Tabled pending a Ruling of the Chair:

An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge

H.P. 300 L.D. 378
(C "A" H-83)

Tabled - April 24, 2001

Pending - **RULING OF THE CHAIR**

(In Senate, April 10, 2001, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**, in concurrence.)

(In House, April 24, 2001, **PASSED TO BE ENACTED**.)

THE CHAIR MADE THE FOLLOWING RULING:

"In regards to whether this is a violation of the state Mandate provisions, the Chair would rule no. Under section 21 of Article 9 of the Maine Constitution states that the State may not require a local unit of government to expand or modify that units' activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the additional funding for these expenditures from the State funds unless an exemption is enacted upon the vote of 2/3 of all members elected in each body. The threshold question is whether L.D. 378 would require additional expenditures from local revenue. MRSA 30-A section 3009, subsection 1, paragraph C, subparagraph (4) provides, 'Any motor vehicle or motor cycle registered by a handicapped person is exempt from any parking meter fare when that vehicle properly displays special designating plates or a placard issued under Title 29-A, section 521 or 523, and may park a length of time that does not exceed twice the time limit otherwise applicable.' L.D. 378 as amended by Committee Amendment (H-83) provides as follows: 'Parking at meters. Pursuant to Title 30-A, section 3009, subsection 1, paragraph C, subparagraph (4), a vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate may park at a parking area with a meter without a charge and may park a length of time that does not exceed twice the limit otherwise allowed.' The funding requirement of the municipality is not increased by essentially reiterating the provision of Title 30-A, section 3009, subsection 1, paragraph C, subparagraph (4) in 29-A, MRSA, subsection 521, subsection 12. The time allowed for free parking is identical, and although the wording describing the vehicle allowed this privilege is not identical, it does not increase the scope of covered individuals. Title 30-A, by its very terms left flexibility in the designation methodology allowing it to be defined in another section of Maine law. Because passage of L.D. 378 as amended would not increase the amount waived in parking meter fees and because the group enjoying the benefit is not increased in scope, this bill would not increase the cost to the municipality and therefore does not fall within the constraints of Article 9 of the Maine Constitution, Section 21."

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: We still have on loan to the other Body, as part of an extended amendment to the power sharing agreement; we did let them use one of our gavels.

First I'd like to welcome back each and every one of you to the Maine Senate. It's a great pleasure to see a lot of you back here. One of the things, when you look at what happened at the last election, we found ourselves with no political majority in the

Senate. We currently have a 17 - 17 split. I think, with cooler heads that did prevail, we were able to negotiate a unique power sharing arrangement. Of course we were prodded along by the Senator from Hancock, Senator Goldthwait, to come to such an agreement, and we were able to do that. One party will occupy the office of the President this year while the other party occupies the office of President Pro Tem. Next year we switch. I currently will have 214 days left of my presidency. I know that Senator Pro Tem Bennett is going to start adding those up to make sure that number is correct. But that's under my calculation, that's not fuzzy math either. Likewise, it's very similar to our Secretary of the Senate and Assistant Secretary of the Senate, Joy O'Brien and Pam Cahill will be reversing rolls next year. For those former members of this body, you realize that the Appropriations Committee is one of the most powerful Committees in the Legislature. Since we only have three members of that Committee, what we did was to appoint the Senator from Hancock, Senator Goldthwait, as the Chair. Clearly the Committee, as far as the Senate side, is equally divided between Republicans and Democrats and we have the Independent Senator as the Chair.

Also I'm pleased to report, everything I think is going extremely well. When we originally signed the power sharing agreement and came to an agreement, even though when we agreed to it, we were a little skeptical on the implementation of that agreement. I think things are going very well. Even though I'm President for this year, it would be nice to serve for President in the second year. In fact for the former Democratic Presidents who are in the room, if you have any good strategies of how you might be able to keep me in this office for another year, please see me afterwards. I would be interested in working that out. In all seriousness, I think the whole arrangement has worked remarkably well. It says volumes for the members of this body, and the quality of the Senators that we have elected this year. So I am really pleased with the way things are going. It's really no different today, then I think when those returning members are here on Welcome Back day, when you were here. The Legislature today is made up of some young, some people who are a little bit older, diverse backgrounds, different political philosophies. We are able to work things out years ago as we are today. So I'm really pleased to see you back here today. It really means a lot to those of us who are currently serving. I think it's particularly good for freshmen Senators who have never served, either in the House or in the Senate, to be able to see a lot of the people who served in this body years ago. I have been in the Legislature a while. It's my 21st year. I thought I'd seen everything up until this year, when we did end up with a 17 - 17 split. It's always changing. Different issues, different situations that will throw us in different positions that we'll have to deal with to come about, and make the Senate run smoothly.

I would like to recognize the following former members of the Senate: Emile Jacques who served in the Senate in the 100th, 101st, and 102nd Legislatures; Margaret Sproul who served in the Senate in the 101st, 102nd, 103rd Legislatures; Carlton Mendell who served in the Senate in the 102nd Legislature; another former Senator, who really hasn't left the halls of the third floor, Severin Beliveau, who served in the Senate in the 104th Legislature. Evidently Severin must be working in the House or trying to get a bill through; Walter Hichens who served in the Senate in the 105th, 106th, 107th, 108th, 109th, 110th, 111th, and 112th Legislatures; Peter Danton who served in the Senate in the 105th, 106th, 107th, 108th, 109th, 110th, 111th, and 112th Legislatures; Richard Morrell, who served in the Senate in the 106th and 108th

Legislatures. Is he still here? Severin probably nabbed him to go help with a House member having a problem; Ted Curtis Jr. who served in the Senate in the 107th and 108th Legislatures; Dick Hewes who served in the Senate in the 108th Legislature and is also the former Speaker of the House; a former Senator and current member of the other body, Ronald Usher who served in the Senate in the 108th, 109th, 110th, 111th, 112th, and 113th Legislatures; Jim McBreairey who served in the Senate in the 109th, 110th, 111th, and 112th Legislatures. When I first served in the House, if there was any bill that dealt with the Unorganized Territory, I always went to Senator McBreairey to talk to him about it; Thomas Perkins who served in the Senate in the 109th, 110th, 111th, 112th, 113th and 114th Legislatures; Beverly Miner Bustin Hatheway who served in the Senate in 110th, 111th, 112th, 113th, 114th, 115th, 116th, and 117th Legislatures as well as Assistant Minority Leader in the 117th and Assistant Majority Leader in the 116th Legislatures; Dennis Dutremble who served in the Senate in the 110th, 111th, 112th, 113th, 114th, 115th, 116th Legislatures. He served as President during the 116th and Assistant Majority Leader in the 113th through the 115th Legislatures; Chuck Dow who served in the Senate in the 111th, 112th, 113th Legislatures; the next individual I'm going to recognize actually holds the record for the married couples in the Legislature, Edward Erwin who served in the Senate in the 111th, 112th, 113th and 114th Legislatures; Zachary Matthews who served in the Senate in the 112th, 113th, 114th and 115th Legislatures and now serves in the other body; John Tuttle Jr. who served in the Senate in the 112th and 113th Legislatures and now serves in the other body; Linda Curtis Brawn who served in the Senate in the 113th, 114th and 115th Legislatures; Joseph Brannigan, who served in the Senate in the 113th, 114th, 115th and 116th Legislatures and now serves in the other body; Barry Hobbins who served in the Senate in the 114th Legislature; Dale McCormick who served in the Senate in the 115th, 116th and 117th Legislatures; Mark Lawrence who served in the Senate in the 116th, 117th, 118th and 119th Legislatures, serving as President in the 118th and 119th; Chellie Pingree who served in the Senate in the 116th, 117th, 118th and 119th Legislatures and served as Majority Leader in the 118th and 119th Legislatures; John O'Dea who served in the Senate in the 116th and 117th Legislatures. This next one, I'm sure those of you who know this individual will recognize him as the garage door king. He is also a former seatmate of mine who tended to get us off-track over there in the corner. That is Richard Carey who served in the Senate in the 116th, 117th, 118th and 119th Legislatures; Judy Paradis, who served in the Senate in the 116th, 117th, 118th, and 119th Legislatures; Peter Mills Sr. who served in the Senate in the 103rd, and 104th Legislatures; Buddy Murray who served in the Senate in the 118th and 119th Legislatures; Jim Handy who served in the Senate in the 116th Legislature.

Hopefully I didn't forget anybody, if I did that's part of the Pro Tem's position under the power sharing agreement.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you Mr. President, men and women of the Senate. Sitting right here behind me is Senator Truman. I don't know as you recognized him.

THE PRESIDENT: Senator Truman will you please stand and accept the greetings of the Senate? Also the Chair is pleased to recognize Gerard P. Conley Sr. of the 104th through 111th

Legislatures and Carol Minkowsky who served in the Senate in the 104th through the 111th Legislatures.

At this time I would like to ask the Senator from Oxford, President Pro Tem Bennett, if he would please come to the rostrum to say a few remarks. Will the Sergeant at Arms please escort the Senator from Oxford President Pro Tem Bennett to the rostrum?

President Pro Tem **BENNETT**: Thank you, President Michaud. Looking good. (Remarking on the shape of the gavel) I hope President Michaud that you don't loan them all out to Speaker Saxl, who has had a propensity to break them this week, and that you leave at least one functioning gavel for me to use next year.

Part of our unique power sharing arrangement is that of course President Michaud steals all my words before I have a chance to utter them. But I too would like to add my heart-felt appreciation for all that the former members have done for the State of Maine. Legislative service in this state is supposed to be a part time vocation. It's supposed to be something that people come to, do for a bit, and then return. I think that from recognizing all of you today, it has reminded me that we are blessed in this state to have not only have people who come and serve, but people who stay involved and reenter the legislature at perhaps another point in their life. Or who go on to other great pursuits, both in the public sector and the private sector, and in the not for profit world. It's really encouraging because this is a small community in Maine that constitutes the leadership of this state. There are a lot of sacrifices that are made, as all of us know, and those sacrifices continue. All of you that have been recognized made those sacrifices. I think it's appropriate for us to stop and pause occasionally and reflect on where we are and where we're going.

A lot has changed since many of you served. This room is different physically than when many of you served. I hope you like the color scheme. I think that the face-lift which the Legislature has been giving the State House has been overdue and welcome. I think it is reinvigorating the Legislative spirit and the importance of the legislature in our unique democracy here in Maine.

I said after the last election that resulted in this tied Senate that I thought that the results of that election reflected that we're not a state or nation that is deeply divided, but that we're a state that is closely divided. By the camaraderie that all of you have experienced today and that I've enjoyed talking with many of you from both sides of the aisle, many of whom I served with, I'm just reflecting on that, how our goals are always the same. We may differ a bit here and there about how to carry them out, but we all care deeply about the future of Maine, where we are and where we're going. I personally want to express my gratitude to all of you, for what you've done and for your continuing service to the State of Maine. Thank you very much.

THE PRESIDENT: At this time I'd like to ask the former Presidents of the Senate if they would come up and say a few remarks. The first one would be the honorable Gerard P. Conley Sr. Would the Sergeant At Arms please escort Gerard to the rostrum to say a few remarks?

GERARD CONLEY: Thank you Mr. President. It's always a pleasure to frequent my old haunting grounds. I spent a good portion of my life here. As I look back over it very quickly, I noticed there was one thing that is still present here that arrived on the same day that I did back in 1965. That is the good

Senator from Aroostook, Senator John Martin. If anybody wants to learn about state government, I suggest they sit down with Brother Martin and he can give you the PHD course in no time at all.

There are a lot of things that have changed here. First of all, it took me twenty minutes to find out how to get into the building this morning. The score board in back of me, altogether different. I thought it was a big deal when we put a voting machine in the House back in the renovation after the 102nd Legislature. I always sort of enjoyed hearing the names called up here, 35 names. Actually in my time there were 33. I used to love to hear May Ross or my Secretary Joy call the names during those years. You never forgot who they were, you know, as you spent more and more time here, senility started creeping in and so by having the Secretary call the Roll you were always able to remember who was around you.

Mr. President, I want to thank you very much for the opportunity to say a few words here. This is certainly something that no one could have ever dreamed of happening in the Senate, that you'd have a 50/50 breakdown. Another thing that comes to my mind is that I don't think I ever saw in my 20 years, was a unanimous committee report come out of the Appropriations Committee, was unanimously enacted in the House and sent up here, where it was rejected. I think I'd be talking to the three Senators and asking them, what the hell happened.

But anyway, God love you, I know you're going to straighten it out, and that's Government at work. Thank you very very much.

THE PRESIDENT: The Chair would ask the Sergeant At Arms to escort to the rostrum, the honorable Dennis Dutremble, who was the President during the 116th Legislature.

DENNIS DUTREMBLE: Thank you Mr. President, members of the Senate. It really is great coming back here after being away. I don't think you ever leave this place. People keep asking me, do you miss this place? Obviously the answer is yes. But more than that, I think you miss the opportunity to serve the people who elected you to come here and you feel the sense of pride, and working with people from around the state who do the same thing that you do. You talk about the 17 - 17 - 1 split this year, I remember that when I served and whenever we had major issues and if I was in a position to do anything I would always say to myself that the answer lies somewhere between the majority and the minority. You can't do that. So, that would really mess me up if I was here now, I'll tell you that.

Senator Carpenter, I forgot my sunglasses today. I guess only Senator Carpenter knows what that means. It's good to see a lot of you. I look around at the Senators who used to serve, and I think, those of you who were here when I was Senate President, I think we have the most people here today, and that makes me really proud. Again, thank you for the opportunity to come up and address you. It's always a great day to be here with you. Thank you very much.

THE PRESIDENT: The Chair would ask the Sergeant At Arms to escort former President of the Senate Mark Lawrence who served as President of the Senate in the 118th and 119th Legislatures.

MARK LAWRENCE: Thank you very much Mr. President, men and women of the Senate. I hope you don't mind Mr. President that I shook the President Pro Tem's hand on the way up. I wasn't meaning to express any preference or anything, I just think it's good to be prepared to be welcomed back next year too as well.

I understand that you've been having some pretty raucous times with your good friends down at the other end of the hall, and I wish you the best of luck with that. I know sometimes when you sit in this body, it's easy not to think very highly of what you do. You don't get paid much. You spend a lot of hours away from home. Sometimes you get beat up in the press a lot. A lot of people don't know what you do here. But I can tell you having been out for only a short period of time, what you do here is probably one of the most important job in the State of Maine. What you do here tremendously affects the future of your children, your children's children and the future of the state. You should always hold that in very high esteem. I want to wish you the best of luck resolving all your issues, and thank you for inviting me up to speak Mr. President. Thank you.

THE PRESIDENT: I now would ask the Sergeant At Arms to escort the former male senator who served in the earliest session, former Senator Emile Jacques. Will the Sergeant At Arms please escort the Senator to the rostrum to accept a gift?

EMILE JACQUES: I always wanted to control you people. Now I've got you. Here we are, right here. And you're not going to say a word.

THE PRESIDENT: I am now pleased to ask the Secretary of the Senate to give this next gift to former Senator Margaret Sproul who is the returning female Senator who served in the earliest session, which was in the 101st, which was 1963.

THE PRESIDENT: I now would ask the Sergeant at Arms to escort the former senator with the longest Legislative service, which is former Senator Walter Hichens who served three Sessions in the House 103rd, 104th, 105th, and eight Sessions in the Senate 105th through 112th, for a total of 22 years of Legislative service; who is also known as the Senate poet laureate. Would the Sergeant At Arms please escort former Senator Walter Hichens to the rostrum?

WALTER HICHENS: If I had just a few words to say; it's been a long time since that day.

THE PRESIDENT: The Chair would ask the Sergeant At Arms to escort the next Senator who is the current sitting Senator serving in the earliest Session in the longest service. Senator John L. Martin, is the current Senator serving in the earliest Session having been elected in the House in the 102nd, which is 1965. Senator Martin is also the current Senator who has the most over-all Legislative service, beginning in his 17th term.

THE PRESIDENT: The Chair is pleased to recognize the current member who has served the longest continuous service. I will ask the Sergeant At Arms to escort the Senator from Sagadahoc, Senator Small to the rostrum who has served the longest continuous Legislative service. Serving her 12th term.

Senator **SMALL:** Greetings men and women of the Senate, and former men and women of the Senate. I just wanted to allow the

President and the President Pro Tem in on my title that I'm called at home, generally by my opponents, and it is: entrenched incumbent. Thank you very much.

THE PRESIDENT: The Chair would ask to rise, a former member of this body, Senator Mary Najarian served in the 109th through the 112th, former chair of the Appropriations Committee. The Chair is also pleased to recognize a former staff of this body Secretary of the Senate, Ed Pert, who is a long time Clerk of the House and former Secretary of the Senate.

The Senate is known for starting and ending on time these days. There is a noontime buffet luncheon in the Hall of Flags that is prepared and catered by the students of Southern Maine Technical College of South Portland. Once again, I want to thank former members of this Body for coming back. It is really a pleasure to see a lot of you; hopefully you will enjoy your stay here. If you haven't had a chance to I also would recommend, if you have time, to go over to the State Office Building that has been renovated. It is clearly much different than it has been in the past.

On motion by President Pro Tem **BENNETT** of Oxford,
ADJOURNED to Monday, May 7, 2001, at 10:00 in the morning.