

MAINE STATE LEGISLATURE

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One Hundred and Twentieth Legislature
State of Maine

Volume 2

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First Confirmation Session
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**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
January 15, 2002

Senate called to order by President Richard A. Bennett of Oxford County.

Prayer by Father Gilbert Patenaude of Augusta.

FATHER PATENAUDE: We'll have a moment of silence for our departed Senator Abromson. United in love and loyalty throughout free and beloved America, we pray. All mighty God, Father of our nations, bless our country that it may be a blessing to our world, that our ideals may be in accordance with Your will. Bless our President, our Governor, and all our Senators. Give them light, wisdom, and strength. Grant us justice and charity in our dealings with one another. May we have love for all people and hatred toward none. Make us share our blessings with the less fortunate because a joy shared is doubled. Give us wisdom in our decisions. Bless and enlighten all those who assume duties in leadership. Walk with each of us in heart and in mind that we may continue to serve You, oh God, and our great State of Maine. Amen.

Pledge of Allegiance led by Senator Jill M. Goldthwait of Hancock County.

Reading of the Journal of Friday, January 11, 2002.

Off Record Remarks

The President requested the Sergeant-At-Arms escort President Pro Tem **MICHAUD** of Penobscot County to the rostrum where he assumed the duties as the Chair.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **MICHAEL H. MICHAUD** of Penobscot County.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by President **BENNETT** of Oxford, (Cosponsored by Speaker **SAXL** of Portland and Senators: **BROMLEY** of Cumberland, **CARPENTER** of York, **CATHCART** of Penobscot, **DAGGETT** of Kennebec, **DAVIS** of Piscataquis, **DOUGLASS** of Androscoggin, **EDMONDS** of Cumberland, **FERGUSON** of Oxford, **GAGNON** of Kennebec, **GOLDTHWAIT** of Hancock, **KILKELLY** of Lincoln, **KNEELAND** of Aroostook, **LaFOUNTAIN** of York, **LEMONT** of York, **LONGLEY** of Waldo, **MARTIN** of Aroostook, **McALEVEY** of York, President Pro Tem **MICHAUD** of Penobscot, **MILLS** of Somerset, **MITCHELL** of Penobscot, **NUTTING** of Androscoggin, **O'GARA** of Cumberland, **PENDLETON** of Cumberland, **RAND** of Cumberland, **ROTUNDO** of Androscoggin, **SAVAGE** of Knox, **SAWYER** of Penobscot, **SHOREY** of Washington, **SMALL** of Sagadahoc, **TREAT** of Kennebec, **TURNER** of Cumberland, **WOODCOCK** of Franklin, **YOUNGBLOOD** of Penobscot, Representatives: **ANDREWS** of York, **ANNIS** of Dover-Foxcroft, **ASH** of Belfast, **BAGLEY** of Machias, **BAKER** of Bangor, **BELANGER** of Caribou, **BERRY** of Belmont, **BERRY** of Livermore, **BLANCHETTE** of Bangor, **BLISS** of South Portland, **BOUFFARD** of Lewiston, **BOWLES** of Sanford, **BRANNIGAN** of Portland, **BROOKS** of Winterport, **BRUNO** of Raymond, **BRYANT** of Dixfield, **BUCK** of Yarmouth, **BULL** of Freeport, **BUMPS** of China, **BUNKER** of Kossuth Township, **CANAVAN** of Waterville, **CARR** of Lincoln, **CHASE** of Levant, **CHICK** of Lebanon, **CHIZMAR** of Lisbon, **CLARK** of Millinocket, **CLOUGH** of Scarborough, **COLLINS** of Wells, **COLWELL** of Gardiner, **COTE** of Lewiston, **COWGER** of Hallowell, **CRABTREE** of Hope, **CRESSEY** of Baldwin, **CUMMINGS** of Portland, **DAIGLE** of Arundel, **DAVIS** of Falmouth, **DESMOND** of Mapleton, **DORR** of Camden, **DUDLEY** of Portland, **DUGAY** of Cherryfield, **DUNCAN** of Presque Isle, **DUNLAP** of Old Town, **DUPLESSIE** of Westbrook, **DUPREY** of Hampden, **ESTES** of Kittery, **ETNIER** of Harpswell, **FISHER** of Brewer, **FOSTER** of Gray, **FULLER** of Manchester, **GAGNE** of Buckfield, **GERZOFISKY** of Brunswick, **GLYNN** of South Portland, **GOODWIN** of Pembroke, **GOOLEY** of Farmington, **GREEN** of Monmouth, **HALL** of Bristol, **HASKELL** of Milford, **HATCH** of Skowhegan, **HAWES** of Standish, **HEIDRICH** of Oxford, **HONEY** of Boothbay, **HUTTON** of Bowdoinham, **JACOBS** of Turner, **JODREY** of Bethel, **JONES** of Greenville, **KANE** of Saco, **KASPRZAK** of Newport, **KOFFMAN** of Bar Harbor, **LABRECQUE** of Gorham, **LANDRY** of Patten, **LaVERDIERE** of Wilton, **LAVERRIERE-BOUCHER** of Biddeford, **LEDWIN** of Holden, **LEMOINE** of Old Orchard Beach, **LESSARD** of Topsham, **LORING** of the Penobscot Nation, **LOVETT** of Scarborough, **LUNDEEN** of Mars Hill, **MacDOUGALL** of North Berwick, **MADORE** of Augusta, **MAILHOT** of Lewiston, **MARLEY** of Portland, **MARRACHE** of Waterville, **MATTHEWS** of Winslow, **MAYO** of Bath, **McDONOUGH** of Portland, **McGLOCKLIN** of Embden, **McGOWAN** of Pittsfield, **McKEE** of Wayne, **McKENNEY** of Cumberland, **McLAUGHLIN** of Cape Elizabeth, **McNEIL** of Rockland, **MENDROS** of Lewiston, **MICHAEL** of Auburn, **MICHAUD** of Fort Kent, **MITCHELL** of Vassalboro, **MORRISON** of Baileyville, **MURPHY** of Berwick, **MURPHY** of Kennebunk, **MUSE** of South Portland, **MUSE** of Fryeburg, **NASS** of Acton, **NORBERT** of Portland, **NORTON** of Bangor, **NUTTING** of Oakland, **O'BRIEN** of Augusta, **O'BRIEN** of Lewiston, **O'NEIL** of Saco, **PARADIS** of Frenchville, **PATRICK** of Rumford, **PEAVEY** of Woolwich, **PERKINS** of Penobscot, **PERRY** of Bangor, **PINEAU** of Jay, **PINKHAM** of Lamoine, **POVICH** of Ellsworth, **QUINT** of Portland, **RICHARDSON** of Brunswick, **RICHARD** of Madison, **RINES** of Wiscasset, **ROSEN** of Bucksport, **SAVAGE** of Buxton, **SCHNEIDER** of Durham, **SHERMAN** of Hodgdon,

SHIELDS of Auburn, SIMPSON of Auburn, SKOGLUND of St. George, SMITH of Van Buren, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STEDMAN of Hartland, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Windham, TOBIN of Dexter, TRACY of Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WINSOR of Norway, YOUNG of Limestone), the following Joint Resolution: S.P. 745

**JOINT RESOLUTION HONORING THE MEMORY OF
SENATOR I. JOEL ABROMSON**

WHEREAS, it is with great sadness that We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, have received the news of the death of a beloved longtime colleague and friend, Senator I. Joel Abromson of District 27, Portland, Falmouth and Long Island, Maine; and

WHEREAS, I. Joel Abromson was the beloved husband of Linda Abromson, former city councilor and Mayor of Portland and Commissioner of the Maine Human Rights Commission; was the father of three children, daughter Lori Yohann and her husband Moshe, daughter Leslie Sherman and her husband Alan, and son Eric and his wife Falamak; was the grandfather of Tali, Daniel, Sivan and Zachary; and was the beloved friend and neighbor to many in and outside this State; and

WHEREAS, I. Joel Abromson was educated at Bowdoin College in Brunswick, Maine and for 25 years worked at Maine Rubber International, where he served as president for seven years, and he also was a leader in numerous trade and business ventures, including being senior associate at Cumberland Advisors, an investment advisory service; and

WHEREAS, Senator I. Joel Abromson came to the Maine Legislature first as a Republican Senator for the 117th Legislature and quickly established a reputation for honesty, integrity and expertise in several fields, most notably banking and insurance; and

WHEREAS, as a first-term Legislator, Senator Abromson became Chair of the Joint Standing Committee on Banking and Insurance, a committee on which he served throughout his tenure in the Senate; and

WHEREAS, Senator I. Joel Abromson served with honor and distinction in the 117th, 118th, 119th and 120th Legislatures of the State of Maine, where he personified the excellence of public service by serving on numerous committees and study commissions; and

WHEREAS, Senator I. Joel Abromson not only exemplified the best of public service, he also led by example by being a devoted citizen to his community and to his State and by a lengthy and sincere participation with community organizations, such as the Jewish Federation of Southern Maine, the Boys and Girls Clubs of Greater Portland and the Spurwink School; and

WHEREAS, Senator I. Joel Abromson also was a member of the Bowdoin College Board of Trustees and was a Trustee for Maine Medical Center, Boys and Girls Clubs of Greater Portland, the Bowdoin College Alumni Council, Portland Savings Bank, Temple Beth El, the Maine Offices of the American Heart Association and the Jewish Federation of Southern Maine; and

WHEREAS, Senator I. Joel Abromson received numerous well-deserved honors throughout his life, and the high esteem and respect with which we will remember him are the result of his dedication to his constituents and his values; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, honor the career and life of I. Joel Abromson, Senator from District 27, and pay our respects and offer our condolences to the family of our highly esteemed colleague; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the loving family of Senator I. Joel Abromson on behalf of the people of Maine and as a token of their esteem and affection.

READ.

THE PRESIDENT PRO TEM: The Chair recognizes President **BENNETT** of Oxford.

President **BENNETT:** Thank you, Mr. President. As President-elect of the United States, John F. Kennedy addressed the Massachusetts Legislature. He said these words, 'when in some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure in whatever office we may hold will be measured by the answer to four questions. Were we truly men of courage? Were we truly men of judgment? Were we truly men of integrity? Were we truly men of dedication?' Whatever court of history maybe sitting today or tomorrow in judgment of the life and service of the Senator from Cumberland, Senator I. Joel Abromson, the answers to all and each of these questions will be a resounding 'yes'. Today we grieve the passing of one of our dearest friends and colleagues, Joel Abromson. Our hearts, thoughts, and prayers are with Joel's wife, Linda, their three children, Lori, Leslie, and Eric, and the rest of their families. We grieve for the people of Portland, Falmouth, and Long Island who were served so ably by Senator Abromson. I mourn for the Senate, this institution loved, so loved, by Senator Abromson, who, even incapacitated by illness, always thought first of his duties here as Senator and service to the people of Maine. It is not hyperbole to say that no member of this Senate was more highly esteemed, more deeply respected than Joel Abromson. No member more appropriately fit the title 'Senator' than Joel Abromson. He was a man who came to politics after decades of service to community. Father Gilbert Patenaude today prayed that we carry in our hearts love for all and hatred for none. This was Joel Abromson. With never a harsh word about anyone, he engaged in the debate on some of the most contentious issues of our time. Never shrinking from his principles, he never abandoned his respect for those with whom he disagreed. A man of courage. He was also a man of judgment, a man of dedication. He was also a man of integrity. When confronted with cancer and

announcing his bid for reelection, Joel, in his characteristic fashion, quipped that he didn't expect to lose the election, that only perhaps he'd lose his hair. Well Joel never lost his hair. He also never lost an election. He also never lost his sense of humor and he never lost his dignity. We, as an institution, as a Senate, as a brotherhood of people, were made better by Joel's service with us. We were uplifted by his sense of purpose and by his sense of humor. We were strengthened by his sense of dignity. We are all diminished by his loss.

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

On motion by President **BENNETT** of Oxford, **ADOPTED.**

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

The President Pro Tem requested the Sergeant-At-Arms escort President **BENNETT** of Oxford to the rostrum where he resumed his duties as Chair.

The Sergeant-At-Arms escorted President Pro Tem **MICHAUD** of Penobscot to his seat on the floor.

Senate called to order by the President.

COMMUNICATIONS

The Following Communication: S.C. 529

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04330
COMMISSION TO STUDY THE IMPLEMENTATION OF A
UNIFIED EMERGENCY RESPONSE FOR EMERGENCY
RELEASES AND SPILLS OF TOXIC OR HAZARDOUS
MATERIALS**

January 10, 2002

The Honorable Richard A. Bennett, President
Maine State Senate

The Honorable Michael V. Saxl, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Resolve 2001, chapter 65, the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committees on Natural Resources and Legal and Veterans' Affairs. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Anne M. Rand, Senate Chair

S/Representative Robert W. Duplessie, House Chair

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

SENATE PAPERS

Bill "An Act to Increase the Debt Limit of the Calais School District" (EMERGENCY)

S.P. 744 L.D. 2074

Sponsored by Senator **SHOREY** of Washington.
Cosponsored by Representative: **MORRISON** of Baileyville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

ORDERS

Joint Order

An expression of Legislative Sentiment recognizing:

Nancy Bouchard, of Brunswick, on the occasion of her retirement as Associate Commissioner of the Department of Corrections. She has worked with the department for 25 years. Before taking on the responsibilities of an Associate Commissioner, she was a probation and parole officer for the department. Under her leadership, the department developed a sex offender management program, hired 5 sex offender specialists and significantly improved the supervision of sex offenders upon their release to the community. Ms. Bouchard was instrumental in the building and program design of the new women's facility at the Maine Correctional Facility. She also initiated the Prison PUP Program, in which prisoners participate in the training of dogs that assist people with special needs. We extend our appreciation to Ms. Bouchard for her dedication to the State and its citizens and wish her the best in her future endeavors;

SLS 583

Sponsored by Senator McALEVEY of York.
(Under suspension of the rules.) Cosponsored by Senator:
EDMONDS of Cumberland, Representatives: GERZOFISKY of
Brunswick, RICHARDSON of Brunswick, Senators: O'GARA of
Cumberland, DAVIS of Piscataquis, Representatives: POVICH of
Ellsworth, QUINT of Portland, MITCHELL of Vassalboro,
O'BRIEN of Lewiston, BLANCHETTE of Bangor, PEAVEY of
Woolwich, WHEELER of Bridgewater, TOBIN of Dexter,
SNOWE-MELLO of Poland.

READ.

THE PRESIDENT: The Chair recognizes the Senator from York,
Senator McAlevey.

Senator **McALEVEY:** Thank you, Mr. President, members of the
Senate. I'm pleased today to rise and recognize Associate
Commissioner Nancy Bouchard and have this body extend their
recognition also. Nancy rose through the ranks of Probation and
Parole to that highest position within that department as
Commissioner. Her track record of success and innovation is
unique. She literally took a struggling department that was going
in many directions and moved it, not only technologically, but
philosophically, into the 21st century. Her innovations are too
numerous to list. She had a commitment to the people of the
State of Maine that she served and a commitment to the people,
who she ultimately had people supervise, to try to get them to
regain their lives and return to society and lead productive lives
without re-offending. The highest compliment that I can pay is
that today our communities, and especially our children, are
much safer because of Nancy Bouchard's leadership and
accomplishments. Thank you.

PASSED.

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

THE PRESIDENT: The Chair is pleased to recognize in the rear
of the chamber Nancy Bouchard of Brunswick, Associate
Commissioner of the Department of Corrections. Would she
please rise and accept the greetings of the Senate.

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator CARPENTER for the Committee on **UTILITIES AND
ENERGY** on Bill "An Act to Amend the Charter of the Corinna
Sewer District" (EMERGENCY)

S.P. 704 L.D. 1906

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

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

READ ONCE.

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

Under suspension of the Rules, all matters thus acted upon were
ordered sent down forthwith for 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 Fund the Collective Bargaining Agreements and
Benefits of State Employees Who are Members of the American
Federation of State, County and Municipal Employees, Council
No. 93

H.P. 1554 L.D. 2057
(H "A" H-759)

This being an Emergency Measure and having received the
affirmative vote of 27 Members of the Senate, with no Senators
having voted in the negative, and 27 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.

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 Resolve

Resolve, to Validate the Assessment, Commitment and Tax
Collection of the Town of Wells for the Fiscal Year 2001

S.P. 663 L.D. 1854

This being an Emergency Measure and having received the
affirmative vote of 27 Members of the Senate, with no Senators
having voted in the negative, and 27 being more than two-thirds
of the entire elected Membership of the Senate, was **FINALLY
PASSED** and having been signed by the President, was
presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Permit Municipalities to Protect their Citizens Against Dangerous Dogs"

H.P. 1567 L.D. 2072

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data" (EMERGENCY)

H.P. 1568 L.D. 2073

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

REFERRED to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1570

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources report out, to the House, legislation to make changes to the laws governing aquaculture leasing.

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

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Joint Study Order
Joint Study Committee to Study Growth Management**

The **Joint Study Committee to Study Growth Management** pursuant to Joint Order 2001, H.P. 1330 asked leave to report that the accompanying Bill "An Act to Amend the Law Relating to Growth-related Capital Investments"

H.P. 1566 L.D. 2071

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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 Senator **RAND** of Cumberland, **ADJOURNED**, to Friday, January 18, 2002, at 12:00 noon, in memory of and lasting tribute to Senator I. Joel Abromson of Cumberland County.