

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twentieth Legislature  
State of Maine

Volume 2

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Second Regular Session  
January 2, 2002 to April 1, 2002

Pages 912 - 1844

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

In Senate Chamber  
Tuesday  
January 29, 2002

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

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Prayer by Patricia Phillips, Parish Coordinator, St. Joseph's Catholic Church in Gardiner.

**MS. PHILLIPS:** Let us pray. Lord, God, look with love upon the people of this community and keep them safe in Your service. Guide the members of this Senate and help them to serve the people of Maine. Help them to work together for the good of all. Help them in their pursuit of peace and justice. Guide them in their generous response to those in need. Bless their plans and deliberations and bring them to success. Fill them with zeal and strengthen them with Your love. Let the light of Your divine wisdom direct their deliberations and shine forth in all the proceedings and laws framed by their governance. May they seek to preserve peace, promote the welfare of our state, and continue to bring us the blessings of liberty and equality. Praise and glory to You, Lord, God, now and forever. Amen.

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Pledge of Allegiance led by Senator Paul T. Davis of Piscataquis County.

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Reading of the Journal of Friday, January 25, 2002.

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Off Record Remarks

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**COMMUNICATIONS**

The Following Communication: S.P. 758

**STATE OF MAINE  
120<sup>TH</sup> LEGISLATURE**

January 25, 2002

Hon. John L. Martin  
Senate Chair, Joint Standing Committee on  
Natural Resources  
Hon. Scott W. Cowger  
House Chair, Joint Standing Committee on  
Natural Resources  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that Governor Angus S. King, Jr. has nominated Marcia McKeague of Medway for reappointment as a member of the Land for Maine's Future Board.

Pursuant to Title 5, M.R.S.A., §6204, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

**READ and REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

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The Following Communication: S.P. 759

**STATE OF MAINE  
120<sup>TH</sup> LEGISLATURE**

January 25, 2002

Hon. John L. Martin  
Senate Chair, Joint Standing Committee on  
Natural Resources  
Hon. Scott W. Cowger  
House Chair, Joint Standing Committee on  
Natural Resources  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that Governor Angus S. King, Jr. has nominated George A. Smith of Mount Vernon for reappointment as a member of the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, M.R.S.A., §8204, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

**READ and REFERRED** to the Committee on **NATURAL RESOURCES**.

Sent down for concurrence.

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The Following Communication: S.P. 760

**STATE OF MAINE  
120<sup>TH</sup> LEGISLATURE**

January 28, 2002

Hon. Kevin L. Shorey,  
Senate Chair, Joint Standing Committee on  
Business and Economic Development  
Hon. John Richardson  
House Chair, Joint Standing Committee on  
Business and Economic Development  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has nominated William P. Morgan of Gorham and John Murphy of Fort Kent for reappointments as members of the Maine Educational Loan Authority.

Pursuant to Title 20-A, M.R.S.A., §11415, these nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett  
President of the Senate

S/Michael V. Saxl  
Speaker of the House

**READ and REFERRED to the Committee on BUSINESS AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

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The Following Communication: S.C. 549

**STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
STATE HOUSE STATION 42  
AUGUSTA, MAINE 04333**

January 11, 2002

Pamela L. Cahill  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Ms. Cahill:

Please find enclosed a copy of the application and program workplan submitted to the Bureau of Justice Assistance for funding of the FY 2002 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Michael Kelly  
Commissioner

**READ and with accompanying papers REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS.**

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**SENATE PAPERS**

Bill "An Act to Promote Cultural Tourism and Economic Growth"  
S.P. 757 L.D. 2093

Sponsored by President Pro Tem MICHAUD of Penobscot. Cosponsored by Representative PARADIS of Frenchville and Senators: DAVIS of Piscataquis, ROTUNDO of Androscoggin, SHOREY of Washington, Representatives: ANNIS of Dover-Foxcroft, BAGLEY of Machias, JONES of Greenville, MAILHOT of Lewiston, MORRISON of Baileyville. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

**REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.**

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole"

H.P. 827 L.D. 1081

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

Signed:

Senators:

McALEVEY of York  
O'GARA of Cumberland  
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth  
BLANCHETTE of Bangor  
TOBIN of Dexter  
PEAVEY of Woolwich  
SNOWE-MELLO of Poland

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

Signed:

Representatives:

O'BRIEN of Lewiston  
QUINT of Portland  
GERZOFKY of Brunswick  
MITCHELL of Vassalboro  
WHEELER of Bridgewater

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

Reports **READ**.

Senator **MCALLEVEY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** 1 Legislative Day, pending the motion by Senator **MCALLEVEY** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

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**SECOND READERS**

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

**House**

Bill "An Act to Allow Sharing of Information to Facilitate Interstate Cooperation Between Toll Agencies"

H.P. 1402 L.D. 1841

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

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**House As Amended**

Resolve, to Allow the Courts to Utilize the Maine Governmental Facilities Authority to Issue a Bond of \$2,500,000 to Finish the Repairs at the Lewiston District Court

H.P. 1425 L.D. 1866  
(C "A" H-760)

**READ A SECOND TIME.**

On motion by Senator **SMALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Senate**

Bill "An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans"

S.P. 674 L.D. 1877

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

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act to Promote Equity Among Health Care Clinics"

S.P. 128 L.D. 404  
(C "B" S-403)

Bill "An Act to Amend the Maine Insurance Guaranty Association Act"

S.P. 268 L.D. 915  
(C "B" S-402)

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

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

H.P. 1587 L.D. 2092

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

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

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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 Encourage Regionalism in Municipal Growth Management"

H.P. 1588 L.D. 2094

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.

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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. 1586

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Business and Economic Development report out, to the House, a bill regarding penalties for the unlawful sale of new snowmobiles and new all-terrain vehicles.

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

**READ** and **PASSED**, in concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator **CARPENTER** of York, the following Joint Order:  
S.P. 761

**ORDERED**, the House concurring, that, notwithstanding Joint Order H.P. 613, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall submit the proposed recodification of the Maine Revised Statutes, Title 12, chapters 701 to 721 to the joint standing committee having jurisdiction

over inland fisheries and wildlife matters no later than January 15, 2003.

**READ** and **PASSED**.

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Order**

An expression of Legislative Sentiment recognizing:

Lee St. Hilaire, of Winthrop, who has received the prestigious James J. Fitzpatrick Trophy. The trophy is awarded to the top senior football player in the State as selected by coaches and members of the media. Lee, a quarterback at Winthrop High School, is the first player not from a Class A school to have received the award. The award caps a tremendous career for Lee, a 4-year starter for his school's team. He led the Ramblers to a 35-7 record, the 2000 Class C State Championship, 2 state championship appearances, 3 Western Maine Class C title games and a 22-game winning streak. We send our congratulations to Lee on this achievement and extend our best wishes to him for success in his future endeavors;

HLS 846

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

**READ**.

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

Senator **TREAT:** Good morning, men and women of the Senate. It is my honor today to have here with us in the Senate someone who himself has been honored with the highest honor in football in the State of Maine. We're all familiar with the Heisman Trophy. Well Maine has it's own Heisman Trophy and it's the James J. Fitzpatrick Trophy. This year that award went to Lee St. Hilaire, who is a Winthrop High School Senior. He is here with his coach, Norm Thombs, of Winthrop High School. Lee is the first ever non-Class A school winner of the award. Winthrop is a Class C school. In fact, it's kind of interesting that he's the first player outside of the Western Class A to ever win the award since Gardiner High School's Nate Sargent won 1997, which just happens to be another school that I represent here in the Legislature. Just some statistics, which may mean something to some of you who are more into football than I am, Lee threw 2,129 yards and 18 touch downs this season. Over his career of 4 years, he threw 8,019 yards and made 84 touch downs and had a completion record of over 63%. I can just tell you, as someone that isn't really the biggest football fan in the world, I went to a number of these games and they were truly exciting games. His individual numbers are only part of the picture. The Winthrop team itself, as you may know, won the Class C State Championship in 2000, and the Western Class C title in 1999 and in 2000. Lee has posted a record of 36 - 7 over his 4 years,

including a 22 game winning streak during 2001 and 2000. So, as you can see, he is someone who really deserves to be honored. I had breakfast with Lee over at the Governor's house this morning and I will attest that he is polite, hard working, respected by the entire community, his coaches, teachers and fellow classmates. I would like you to join me in recognizing Lee St. Hilaire as well as his coach, Norm Thombs, who are here in the back of the room and to extend the legislative sentiment.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Lee St. Hilaire of Winthrop and his coach, Norm Thombs, of Winthrop High School. Would they please rise and accept the greetings of the Senate.

**PASSED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Control Internet 'Spam'"  
H.P. 1538 L.D. 2041

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

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

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

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Senate at Ease.

Senate called to order by the President.

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On motion by Senator **SHOREY** of Washington, the Senate **RECONSIDERED** whereby it **REFERRED** the Bill to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

On further motion by same Senator, **REFERRED** to the Committee on **UTILITIES AND ENERGY**, in concurrence.

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

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Senator **ROTUNDO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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

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Off Record Remarks

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On motion by Senator **PENDLETON** of Cumberland, **ADJOURNED** to Friday, February 1, 2002, at 12:00 noon.