

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 2

First Regular Session (Continued)
May 24, 2001 to June 22, 2001

First Confirmation Session
October 24, 2001

Second Confirmation Session
December 6, 2001

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
Friday
February 1, 2002

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

Prayer by Pastor Joseph Pauliks, First Baptist Church of West Gardiner.

PASTOR PAULIKS: Let us unite our hearts in prayer. Our Heavenly Father and God, Lord, in the quietness of this moment we just thank You today for Your providential care over us, as we got here safely today, Lord. Father, we also thank You that You know the beginning from the end, that You are alpha and the omega as Your word says, Father. Lord, we just ask for guidance and blessing, Lord, in this time. We thank You for this great country that we serve here this morning, Lord. We thank You for the United States, that is based upon biblical principles, Lord. May we not shy far from that, Lord. May we continue to uphold Your word, Father. Lord, we just thank You for this time. Again, Lord, we ask for wisdom and guidance as these Senators go about their business, Lord. We ask that You would, again, give us traveling mercies as we leave here today. We just thank You and love You. In Jesus' precious and holy name we pray. Amen.

Reading of the Journal of Tuesday, January 29, 2002.

Out of order and under suspension of the Rules, on motion by President Pro Tem **MICHAUD** of Penobscot, the following Joint Order: S.P. 765

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 5, 2002, at 9:30 in the morning and the Senate Adjourns until Tuesday, February 5, 2002, at 10:00 in the morning.

READ and PASSED.

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

COMMUNICATIONS

The Following Communication: S.P. 762

**STATE OF MAINE
120th LEGISLATURE**

January 28, 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
120th Legislature
Augusta, ME 04333

Dear Senator Martin and Representative Cowger:

Please be advised that in accordance with 38 M.R.S.A. § 341-C(5), Governor Angus S. King, Jr. has extended the term of Andrew Cadot as a Member of the Board of Environmental Protection to ensure fair consideration of the Waste Management Disposal Services application for waste relocation and expansion of the Norridgewock landfill. Mr. Cadot participated in the site visit and has all of the pre-filed written testimony associated with the issues for the upcoming public hearing. Hearings have been scheduled for February 13th, 14th, and 15th in Skowhegan.

Mr. Cadot's term is extended from January 30, 2002 until final Board action on this specific application is completed, until such time as either his re-appointment is confirmed, or his successor is nominated and confirmed, whichever event occurs first.

Sincerely,

S/Richard A. Bennett
President of the Senate

S/Michael V. Saxl
Speaker of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.C. 551

**THE SENATE OF MAINE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 31, 2002

Pamela L. Cahill
Secretary of the Senate
3 State House Station
Augusta, Maine 04333-0003

Dear Secretary Cahill,

I am pleased to announce that today I am awarding the first "President's Cornerstone Award" to Moosehead Manufacturing Company. John Wentworth, company president, will accept the award at the company's Monson factory on behalf of Moosehead's 250 employees.

Founded in 1947, Moosehead Manufacturing Company develops, produces and markets high quality furniture. The firm's commitment to product affordability, strength and classic Maine workmanship has earned it one of the most trusted and respected furniture names in America for quality, value and customer service. They have produced more than a half billion dollars worth of furniture in the last 55 years, and have shipped their products throughout the United States and to locations in Canada, Bermuda, Panama, Puerto Rico, Japan, and South Korea.

Moosehead Manufacturing Company is committed to its employees, community, region and state. In 1999, the company earned the title "Employer of the Year" from the New England Training and Employment Council. They are exemplary corporate citizens having donated furniture and money annually to countless local auctions, charities and raffles. They have also made strong, and lasting, financial commitments to the state's educational institutions.

Senator Paul Davis and Representative Sharon Libby Jones, who nominated Moosehead Manufacturing for the award, will be on hand when it is presented. Moosehead Manufacturing represents what is best about Maine people, their work ethic and their entrepreneurial spirit. I am pleased to honor them for their investment in Maine's economy, its people, and our future.

Sincerely,

S/Senator Richard A. Bennett
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 550

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, ME 04333-0038**

January 15, 2002

Honorable Richard A. Bennett
President
Maine State Senate
3 State House Station
Augusta, ME 04333

Dear President Bennett:

Enclosed is the Annual Report for activity in 2001. It has been both a fruitful and frustrating year. The productivity results from reaching a favorable settlement with Maine Yankee on its license termination plan, maintenance of good working relations between and among state agencies and Maine Yankee, and meeting with other members of the state's support agencies as we weathered September 11. The frustration list is short: the one item is the continuing state responsibility to host spent fuel, a federal responsibility with federal legal protection from state concerns.

The storage of spent fuel and GTCC is and will be a security and fiscal ache until the cure of removal.

I appreciate the opportunity to serve you and the people of Maine. Please feel free to call if you have any questions about the Report.

Sincerely,

S/Paula M. Craighead
State Nuclear Safety Advisor

READ and with accompanying papers ORDERED PLACED ON FILE.

ORDERS

Joint Order

On motion by Senator **MCALLEVEY** of York, the following Joint Order: S.P. 763

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice report out, to the Senate, a bill, "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements."

READ and PASSED.

Sent down for concurrence.

Joint Resolution

On motion by President Pro Tem **MICHAUD** of Penobscot (Cosponsored by Representative **COLWELL** of Gardiner and Senators: **GOLDTHWAIT** of Hancock, **MARTIN** of Aroostook, **SMALL** of Sagadahoc, **TREAT** of Kennebec, Representatives: **DUPLESSIE** of Westbrook, **KANE** of Saco, Speaker **SAXL** of Portland, **STANLEY** of Medway), the following Joint Resolution: S.P. 764

JOINT RESOLUTION RECOGNIZING AND SUPPORTING HEALTHY COMMUNITIES

WHEREAS, health is the result of much more than just medical care. People are healthier when they live in nurturing environments and are involved in the life of their communities; and

WHEREAS, Maine citizens have formed Healthy Communities and Planned Approach to Community Health ("PATCH") coalitions across the State to improve the health of their communities; and

WHEREAS, the Healthy Communities and PATCH coalitions are a broad and sharing network of interrelated groups of citizen volunteers consisting of individuals, families, businesses, schools, churches, health care providers, government and others

with similar concerns and values on health and community issues; and

WHEREAS, Maine is a leader in establishing a network of healthy communities largely due to the effectiveness of the volunteer leaders and organizations in meeting local health needs; and

WHEREAS, the dedication and efforts of the citizen volunteers deserve our highest support and encouragement; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, take this opportunity to honor the ideals and accomplishments of the Healthy Communities and PATCH coalitions on the occasion of Healthy Communities Day, February 1, 2002; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Human Services, Bureau of Health in token of the esteem in which we hold the citizen volunteers of the Healthy Communities and PATCH coalitions.

READ.

On motion by President Pro Tem **MICHAUD** of Penobscot, **TABLED** 1 Legislative Day, pending the motion by same Senator to **PASS**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator **SAVAGE** for the Committee on **TRANSPORTATION** on Bill "An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation"

S.P. 679 L.D. 1881

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 **GAGNON** for the Committee on **TAXATION** on Bill "An Act to Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax"

S.P. 242 L.D. 810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407)**.

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

READ ONCE.

Committee Amendment "A" (S-407) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **GAGNON** for the Committee on **TAXATION** on Bill "An Act to Ensure Continued Reporting of Tax Incentive Recipients"

S.P. 655 L.D. 1834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-408)**.

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

READ ONCE.

Committee Amendment "A" (S-408) **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.

Off Record Remarks

On motion by President Pro Tem **MICHAUD** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 5, 2002, at 10:00 in the morning.