

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twentieth Legislature  
State of Maine

Volume 2

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First Confirmation Session  
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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  
Tuesday  
February 5, 2002

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

Prayer by Reverend Glenn Peterson, Hope Baptist Church in Manchester.

**REVEREND PETERSON:** Let us pray together. All mighty God, we come before You today to ask You for wisdom. The Senators who are gathered here today are facing some very complicated issues and it is not always easy to know which is the best option to take. The Senators also face many demands upon their time and they want to spend their time in the way that is most important. They need wisdom in establishing priorities in the use of their time. Lord, the people in this Senate want to do what is right. They want to do what is best for the people of the State of Maine. So we come today asking You for the wisdom that we need. We acknowledge that all wisdom comes from You. We acknowledge that we are completely dependent upon You for wisdom. We cannot make wise decisions without You. We thank You, oh God, that You want to give us the wisdom we need. Thank You for the promise of Your word, which says that if anyone lacks wisdom, he or she should ask of God, who gives generously to all, and it will be given to him or her. Thank You as well for the example of King Solomon. When King Solomon began to lead, he recognized his need for wisdom from You and You gave him that wisdom in response to his request. So we, like King Solomon, would come before You today to ask You to give to these Senators the wisdom that they need to lead this state. Thank You for hearing our prayer. Thank You that we can count upon You to answers our prayer for wisdom. In the name of our all wise savior, Jesus Christ, we pray. Amen.

Pledge of Allegiance led by Senator Beverly C. Daggett of Kennebec County.

Reading of the Journal of Friday, February 1, 2002.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

COMMUNICATION - relative to the nomination by Governor Angus S. King, Jr. of Marcia McKeague of Medway for reappointment as a member of the Land for Maine's Future Board. S.P. 758

In Senate, January 29, 2002, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES**.

Comes from the House, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in **NON-CONCURRENCE**.

On motion by Senator **KNEELAND** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

**House Papers**

**Pursuant to Joint Study Order  
Committee to Study Access to Private and Public  
Lands in Maine**

The **Committee to Study Access to Private and Public Lands in Maine** pursuant to Joint Order 2001, H.P. 1387 asked leave to report that the accompanying Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements

H.P. 1593 L.D. 2096

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Joint Study Order  
Committee to Study Access to Private and Public  
Lands in Maine**

The **Committee to Study Access to Private and Public Lands in Maine** pursuant to Joint Order 2001, H.P. 1387 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine" (EMERGENCY)

H.P. 1594 L.D. 2097

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** 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 **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**ORDERS**

**Joint Order**

An expression of Legislative Sentiment recognizing:

Allison S. Brown, of South Portland, who received a National Semiconductor 2001 Internet Innovator Award. The awards are presented to educators who use the Internet effectively in their classrooms. Ms. Brown teaches English as a Second Language at Memorial Middle School in South Portland. We send our congratulations and best wishes to her on this achievement;

SLS 597

Sponsored by Senator BROMLEY of Cumberland.  
Cosponsored by Representatives: MUSE of South Portland,  
BLISS of South Portland, GLYNN of South Portland.

**READ.**

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by Senator **BROMLEY** of Cumberland to **PASS**.

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**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator **SAVAGE** for the Committee on **TRANSPORTATION** on Bill "An Act to Strengthen the Habitual Offender Law"  
S.P. 653 L.D. 1832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-409)**.

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

**READ ONCE.**

Committee Amendment "A" (S-409) **READ** and **ADOPTED**.

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

**SECOND READERS**

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

**Senate**

Bill "An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation"

S.P. 679 L.D. 1881

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

Sent down for concurrence.

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**Senate As Amended**

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  
(C "A" S-407)

Bill "An Act to Ensure Continued Reporting of Tax Incentive Recipients"

S.P. 655 L.D. 1834  
(C "A" S-408)

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

Sent down for concurrence.

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**ENACTORS**

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

**Acts**

An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel  
H.P. 1216 L.D. 1657

An Act to Allow Sharing of Information to Facilitate Interstate Cooperation Between Toll Agencies  
H.P. 1402 L.D. 1841

An Act to Ensure Victim Safety  
H.P. 1408 L.D. 1846

An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal  
H.P. 1459 L.D. 1956

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

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

Off Record Remarks

Senator **CARPENTER** of York 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.

Off Record Remarks

Senator **LONGLEY** of Waldo was granted unanimous consent to address the Senate off the Record.

The President appointed the Senator from Aroostook, Senator **MARTIN**, to serve as President Pro Tem for the session on Thursday, February 7, 2001.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize the Formation of Regional County Corrections Authorities" (EMERGENCY) S.P. 662 L.D. 1853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-410).**

Signed:

Senators:  
PENDLETON of Cumberland  
YOUNGBLOOD of Penobscot  
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias  
McDONOUGH of Portland  
HATCH of Skowhegan  
LESSARD of Topsham  
McLAUGHLIN of Cape Elizabeth  
MURPHY of Berwick  
CHASE of Levant  
HASKELL of Milford  
CRESSEY of Baldwin

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

Signed:

Representative:  
KASPRZAK of Newport

Reports **READ.**

On motion by Senator **PENDLETON** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-410) **READ** and **ADOPTED.**

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

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act to Protect the Rights of Maine Citizens Under Collective Bargaining Agreements" (EMERGENCY) H.P. 1595 L.D. 2098

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:

**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 Provide for Livable, Affordable Neighborhoods"

H.P. 1596 L.D. 2099

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** 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 **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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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  
Committee to Study Issues Concerning Changes to the  
Traditional Uses of Maine Forests and Lands**

The **Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands** pursuant to Joint Order 2001, H.P. 1391 asked leave to report that the accompanying Bill "An Act to Implement the Majority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands" H.P. 1599 L.D. 2100

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

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

**REFERRED** to the Committee on **JUDICIARY** 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**

**House Paper**

**Pursuant to Joint Study Order  
Committee to Study Issues Concerning Changes to the  
Traditional Uses of Maine Forests and Lands**

The **Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands** pursuant to Joint Order 2001, H.P. 1391 asked leave to report that the accompanying Bill "An Act to Implement the Minority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands" H.P. 1600 L.D. 2101

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

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

**REFERRED** to the Committee on **JUDICIARY** 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:

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass**

Senator **MITCHELL** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Technical Changes to the Maine State Grant Program" S.P. 732 L.D. 2042

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

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

**READ ONCE**.

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 553

**MAINE SENATE  
120<sup>TH</sup> LEGISLATURE**

February 5, 2002

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

Dear Secretary Cahill:

Please be advised, that we are today appointing Senator Mary E. Small to the Senate Select Committee on Conduct and Ethics pursuant to our authority under Senate Rule 203.4.

Thank you for your attention to this matter.

Sincerely yours,

S/Senator Richard A. Bennett  
President, Maine Senate

S/Senator Michael H. Michaud  
President Pro Tempore, Maine Senate

**READ and ORDERED PLACED ON FILE.**

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution: H.P. 1592

**JOINT RESOLUTION RECOGNIZING SPORTING CAMPS, THEIR HISTORICAL CONTRIBUTION TO THE CULTURAL HERITAGE OF MAINE AND THEIR IMPORTANCE TO LOCAL AND REGIONAL ECONOMIES**

WHEREAS, sporting camps have operated in Maine for over 115 years, offering unique experiences in the Maine woods; and

WHEREAS, the Maine woods and the tradition of outdoor recreation are a strong part of Maine's cultural heritage and identity; and

WHEREAS, in these times of change and hectic lifestyles, opportunities to relax and commune with nature are scarce and the need to renew one's spirit is vital; and

WHEREAS, sporting camps continue to provide respite to thousands of people each year; and

WHEREAS, sporting camp owners and employees, in offering hospitality and providing stewardship of Maine's natural resources, have introduced sportsmen, families and outdoor enthusiasts to Maine over several generations; and

WHEREAS, the continued operation of sporting camps contributes not only to local and regional economies, but also

benefits the tourism industry throughout the State; 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 occasion to recognize sporting camps as an integral part of Maine's cultural heritage, to commend the sporting camp owners of Maine for their contribution to our State and to extend our sincere hopes that the owners of land on which sporting camps are located or abutting lands continue to respect the tradition of sporting camps and that the sporting camps in existence today thrive throughout the 21st century; and be it further

**RESOLVED:** That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Sporting Camp Association on behalf of the people of the State of Maine.

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

**READ** and **ADOPTED**, 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. 1591

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Labor report out, to the House, a bill regarding the expansion of retirement benefits for participating local district employees returning to service.

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:

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1597

**ORDERED**, the Senate concurring, that the Joint Standing Committee on State and Local Government report out, to the House, a bill concerning the creation of a nonpartisan legislative office of governmental analysis and accounting.

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:

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order: H.P. 1598

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out, to the House, a bill concerning the state acquisition of property in Machias as the site of the Downeast Correctional Facility.

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

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

**Joint Order**

JOINT ORDER - recognizing Allison S. Brown, of South Portland, who received a National Semiconductor 2001 Internet Innovator Award. SLS 597

Tabled - February 5, 2002, by Senator **DAGGETT** of Kennebec

Pending - motion by Senator **BROMLEY** of Cumberland to **PASS**

(In Senate, February 5, 2002, on motion by Senator **BROMLEY** of Cumberland, **READ**.)

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Bromley.

Senator **BROMLEY:** Thank you, Mr. President. I want to speak just quickly to this Legislative Sentiment because the class and Ms. Brown are in the back of the Senate today. I want to call attention to the fact that this is the 4<sup>th</sup> such award that a Memorial Middle School teacher has received. It's a \$10,000 award for innovation. Allison Brown received this award for helping her class create an international website. She teaches English as a Second Language for 6<sup>th</sup> through 8<sup>th</sup> graders. They have created a website to share information about their own counties. I encourage you to visit the website. If you get a chance, to speak to Ms. Brown today, that would be great. I think we can all look back and know that we all had teachers, probably everybody in this room, who inspired us to excellence. Ms. Brown certainly does that with her class. Thank you very much.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Allison S. Brown of South Portland, receiver of the National Semiconductor 2001 Internet Innovator Award, and

her class from Memorial Middle School in South Portland. Would they please rise and accept the greetings of the Senate.

On motion by Senator **BROMLEY** of Cumberland, **PASSED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (1/29/02) Assigned matter:

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)

Tabled - January 29, 2002, by Senator **SMALL** of Sagadahoc

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**, in concurrence

(In House, January 25, 2002, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.)

(In Senate, January 29, 2002, **READ A SECOND TIME**.)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**, 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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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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

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Senator **RAND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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Senate at Ease.

Senate called to order by the President.



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Off Record Remarks

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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. 1601

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out, to the House, a bill to enact a new professional service corporation act based on a model act.

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

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

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On motion by Senator **DOUGLASS** of Androscoggin, **ADJOURNED** to Wednesday, February 6, 2002, at 10:00 in the morning.