

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
Thursday
February 21, 2002

Senate called to order by President Pro Tem Mary E. Small of Sagadahoc County.

Prayer by Reverend George Bovill of Portland.

REVEREND BOVILL: Let us pray. Oh Thou who art our Creator and the God of us all, once again the members of this Senate gather to fulfill the responsibilities with which they have been entrusted. So we pray that Thou will bless them in all their endeavors, fill their hearts with caring and compassion, fill their minds with understanding, fill their spirits with wisdom from on high. Guide them as they seek to administer to the needy, the young and the old, and those who are physically or mentally ill. Keep them mindful of all who live in this state and those who visit this state, that it may, indeed, be a commonwealth. Bless also those who assist these lawmakers, the pages who help each one communicate with the other, the secretaries who type and provide copies of so many documents that find that way to each desk, those who do the necessary research, and all the other staff people who, in one way or another, do their bit that, at last, results in good legislation. Bless also those who carry out the mandates that are here enacted, law enforcement people, teachers in our schools, social workers who care for those who are troubled in one way or another, those who care for our environment and wildlife, and those who guard our safety. Help the members of this Senate know that they are not alone, but at the same time remind them that many depend on them for better and fuller lives. May the meditations of our hearts be acceptable in Thine sight. Amen and amen.

Doctor of the day, Brian Jumper, M.D. of Portland.

Reading of the Journal of Wednesday, February 20, 2002.

Off Record Remarks

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

S.P. 787

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 26, 2002, at 9:30 in

the morning and the Senate Adjourns until Tuesday, February 26, 2002, at 10:00 in the morning.

READ and PASSED.

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

SENATE PAPERS

**Pursuant to Joint Order
Joint Standing Committees on Business and Economic
Development and Judiciary**

Senator **SHOREY** for the **Joint Standing Committees on Business and Economic Development and Judiciary** pursuant to Joint Order 2001, S.P. 769 asked leave to report that the accompanying Bill "An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program"
S.P. 786 L.D. 2131

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

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

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **DAVIS** of Piscataquis under unanimous consent on behalf of Senator **SMALL** of Sagadahoc (Under suspension of the rules, cosponsored by Representative **MAYO** of Bath and Senators: President **BENNETT** of Oxford, **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, 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, GERZOFKY 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, MARRACHÉ of Waterville, MATTHEWS of Winslow, 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, RICHARD of Madison, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAVAGE of Buxton, Speaker SAXL of Portland, 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. 788

**JOINT RESOLUTION HONORING THE MEMORY OF
DUANE "BUZZ" D. FITZGERALD**

WHEREAS, it is with great sadness that we have received the news of the death of Duane "Buzz" D. Fitzgerald, former Chief Executive Officer of Bath Iron Works, after a battle with brain cancer; and

WHEREAS, Mr. Fitzgerald was a native of St. John, son of a shipbuilder and a graduate of Morse High School in Bath and attended Boston University, where he earned 3 degrees, including one in law and one in business; and

WHEREAS, Mr. Fitzgerald practiced law for 23 years, including a stint as Bath Iron Works outside counsel, and in 1987 he joined Bath Iron Works as executive vice president; and

WHEREAS, in 1988, Mr. Fitzgerald became president and chief operating officer of Bath Iron Works and 3 years later became the firm's chief executive officer; and

WHEREAS, Mr. Fitzgerald deeply loved his family, his company and the State of Maine and was known for his integrity, loyalty and his deep commitment to his ideals; and

WHEREAS, Mr. Fitzgerald served the people of Maine in many ways and contributed much to his community. In the final months of his illness, he continued to give and teach and exemplified all the best qualities of what Governor King called being a "pillar of the community"; 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 take this opportunity to honor the memory of the respected career and life of Duane "Buzz" D. Fitzgerald and to pay our respects and extend our condolences to the family of this highly esteemed gentleman; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Mr. Fitzgerald's loving family on behalf of the people of Maine and as a token of their esteem and affection.

READ and ADOPTED.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator DOUGLASS for the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Civil Service Law with Respect to Veterans' Preference"

S.P. 713 L.D. 1915

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

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

READ ONCE.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass As Amended

Senator CARPENTER for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Amend Maine's Wild Turkey Hunting Season" (EMERGENCY)
S.P. 721 L.D. 1923

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-430)**.

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

READ ONCE.

Committee Amendment "A" (S-430) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senator ROTUNDO for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes"
S.P. 671 L.D. 1874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-432)**.

Report **READ**.

On motion by Senator **PENDLETON** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**.

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Make Minor Substantive Changes to the Tax Laws"
S.P. 666 L.D. 1870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-429)**.

Report **READ**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Waive the Competitive Bid Requirement for Lease of Certain Unused State Facilities"
S.P. 672 L.D. 1875

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-431)**.

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

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

Signed:

Representatives:
KASPRZAK of Newport
HASKELL of Milford
CRESSEY of Baldwin

Reports **READ**.

On motion by Senator **PENDLETON** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

SECOND READERS

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

House

Bill "An Act to Abolish the Educational Leave Advisory Board"
H.P. 1616 L.D. 2115

READ A SECOND TIME.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Clarify the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds"

H.P. 1419 L.D. 1863
(C "A" H-806)

Bill "An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil"

H.P. 1477 L.D. 1978
(C "A" H-807)

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

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tem **MARY E. SMALL** of Sagadahoc County.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

RECESSED until 11:00 in the morning.

After Recess

Senate called to order by President Pro Tem **MARY E. SMALL** of Sagadahoc County.

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

SECOND READERS

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

Senate

Bill "An Act to Amend the Civil Service Law with Respect to Veterans' Preference"

S.P. 713 L.D. 1915

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend Maine's Wild Turkey Hunting Season" (EMERGENCY)

S.P. 721 L.D. 1923
(C "A" S-430)

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

Sent down for concurrence.

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 26, 2002, at 10:00 in the morning.