

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twentieth Legislature  
State of Maine

Volume 2

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Pages 912 - 1844

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

Off Record Remarks

In Senate Chamber  
Thursday  
February 28, 2002

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

Prayer by Pastor Richard A. Mowery, Bethel Alliance Church in Bethel.

**PASTOR MOWERY:** Mr. President, Senator Ferguson, men and women of the Senate, I want to thank you for once again allowing me this privilege of opening today's session in prayer. I count it a joy and I truly feel honored to do so. Will you join me in prayer.

The Apostle Paul, in his first letter to Timothy, wrote; 'I urge then, first of all, that requests, prayers, intercession and thanksgiving be made for everyone, for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness. This is good, and pleases God our Savior.'

Father, as a nation, we're living in tumultuous times. People's fears are higher than they have been in decades with the threat of terrorism. Our soldiers are in foreign arenas, active in war. Our economy, though improving, is still uncertain. Our spiritual relationship with You is not what it could or maybe should be. Yet we do desire to live peaceful and quiet lives. Lord, I thank You that we live in a great nation that was founded by men and women of prayer. Men and women who sought You first in their meetings, in their decisions. Men and women who sought You as their first source of wisdom and direction. Today major decisions loom before us, at the national level, the state level, and at local levels. Decisions that will affect each of our lives as citizens of this nation and of this great State of Maine. Decisions that touch us economically, intellectually, relationally, judicially, and spiritually. So this morning, Lord, I come to You on behalf of these ones before me, these in authority over me, this Senate, as the first act of business. I ask that You might help them to admit their need of wisdom beyond themselves and then that You might grant them that wisdom as they might seek You. I pray that in the midst of their routines and procedures, that they will not take lightly that which has been entrusted to them by You and by their people, but rather that they will do all things in light of the wisdom and insight that You might grant them, seeking to serve rather than be served. Lord, I do thank You for each of them. For their sacrifice, for their commitment, for the desire to make a positive difference, for their leadership. Encourage them, I pray. May they find joy in their work and in their deliberations. As they come to the end of this day, I pray that they may look back and find satisfaction and fulfillment and give You thanks. In Jesus' name I pray. Amen.

Reading of the Journal of Wednesday, February 27, 2002.

Out of order and under suspension of the Rules, on motion by Senator **DAVIS** of Piscataquis, under unanimous consent on behalf of Senator **SMALL** of Sagadahoc, the following Joint Order:  
S.P. 792

ORDERED, the House concurring, that when the House stands Adjourned it does so until Monday, March 4, 2002, at 9:30 in the morning and the Senate Adjourns until Monday, March 4, 2002, at 10:00 in the morning.

**READ and PASSED.**

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, to Study School Administrative Unit Organization in Maine

S.P. 733 L.D. 2043  
(C "A" S-428)

In Senate, February 20, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-428).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-428) AS AMENDED BY HOUSE AMENDMENT "A" (H-843)** thereto, in **NON-CONCURRENCE.**

The Senate **RECEDED and CONCURRED.**

**COMMUNICATIONS**

The Following Communication: S.C. 591

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2072 An Act to Permit Municipalities to Protect their Citizens Against Dangerous Dogs

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Richard Kneeland  
Senate Chair

S/Rep. Linda Rogers McKee  
House Chair

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

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The Following Communication: S.C. 592

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
BUSINESS AND ECONOMIC DEVELOPMENT**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1917 An Act to Increase the Licensing Fee Cap for the Maine Board of Pharmacy

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Kevin L. Shorey  
Senate Chair

S/Rep. John G. Richardson  
House Chair

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

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The Following Communication: S.C. 593

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1580 An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Betty Lou Mitchell  
Senate Chair

S/Rep. Shirley K. Richard  
House Chair

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

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The Following Communication: S.C. 594

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1895 An Act to Clarify the Lines of Effort in a Search and Rescue Operation

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter  
Senate Chair

S/Rep. Matthew Dunlap  
House Chair

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

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The Following Communication: S.C. 595

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON  
LEGAL AND VETERANS' AFFAIRS**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1971 An Act to Support Businesses Engaged in Both Off-premises and On-premises Retail Sales of Malt Liquor and Wine
- L.D. 2063 An Act to Require Timely Consideration of Appeals of Decisions of the Registrar of Voters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass  
Senate Chair

S/Rep. John L. Tuttle, Jr.  
House Chair

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

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The Following Communication: S.C. 596

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON MARINE RESOURCES**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1979 Resolve, Directing the Department of Marine Resources to Participate in a Scientific Assessment of the Activities in the Great Salt Bay

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth F. Lemont  
Senate Chair

S/Rep. David G. Lemoine  
House Chair

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

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The Following Communication: S.C. 597

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1887 An Act to Permit Underground Storage Tanks in Low-risk Areas
- L.D. 1898 An Act to Mitigate the Effect of Large Mandatory Environmental Penalties

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John L. Martin  
Senate Chair

S/Rep. Scott W. Cowger  
House Chair

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

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The Following Communication: S.C. 598

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON TRANSPORTATION**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1896 An Act to Simplify the Process by Which a Financial Institution Transfers Motor Vehicle Title to a Lessee

We have also notified the sponsor and cosponsors of the bill listed of the Committee's action.

Sincerely,

S/Sen. Christine R. Savage Senate Chair  
S/Rep. Charles D. Fisher House Chair

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

The Following Communication: S.C. 599

**120<sup>TH</sup> LEGISLATURE  
JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY**

February 25, 2002

Honorable Richard A. Bennett, President of the Senate  
Honorable Michael V. Saxl, Speaker of the House  
120th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1869 An Act Regarding Protective Orders in Public Utilities Commission Proceedings

L.D. 1981 An Act to Prohibit the Charging of Tolls for Phone Calls Made Between Contiguous Communities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr. Senate Chair  
S/Rep. William R. Savage House Chair

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

**SENATE PAPERS**

Bill "An Act to Establish the Maine Consumer Choice Health Plan"

S.P. 793 L.D. 2146

Sponsored by President BENNETT of Oxford.  
Cosponsored by President Pro Tem MICHAUD of Penobscot.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

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

**ORDERS**

**Joint Orders**

An Expression of Legislative Sentiment recognizing:

Trung Huynh, of Portland, who is attending Bates College in Lewiston and has been selected as one of 3 undergraduates to receive Maine Campus Compact's 2002 Student Heart and Soul Award for outstanding community service contributions. The award is given annually to undergraduates who have exhibited a depth and breadth of service experience, who have achieved significant results through service, who have shown leadership in their service and who have had an innovative approach to service. Trung developed a successful mentoring program that involves having international students from Bates College tutor immigrant children from the Riverton Housing Project in Portland. The program is designed to help break down cultural stereotypes and to create a better understanding among people from different cultural backgrounds. It is also a way to help support the aspirations of the teenagers who live in that area. We extend our appreciation to Trung for his commitment to the youth of the State and congratulate him on his receiving this award;

SLS 644

Sponsored by Senator ROTUNDO of Androscoggin.  
Under suspension of the rules, cosponsored by Representatives: MAILHOT of Lewiston, COTE of Lewiston, MENDROS of Lewiston, BOUFFARD of Lewiston, Senator: DOUGLASS of Androscoggin, Representative DUDLEY of Portland, Speaker SAXL of Portland, Representatives: McDONOUGH of Portland, QUINT of Portland, NORBERT of Portland, BRANNIGAN of Portland, MARLEY of Portland, CUMMINGS of Portland, Senator RAND of Cumberland.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Mr. President. I am very pleased that Trung Huynh is with us today in the Senate chamber. I have had the pleasure of working with Trung for 4 years at Bates, but he really is the constituent of the late Senator from Cumberland, Senator Abromson, and I am very sorry that Senator Abromson could not live to see Trung awarded the Heart and Soul Award today because Trung's life represents all that Senator Abromson embraced in his life. Trung's program has gone a long way to break down cultural stereotypes and to open educational doors for others. I am very pleased that this extraordinary young man is with us today. Thank you.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Trung Huynh of Portland. Will he please rise and receive the greetings of the Senate.

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An Expression of Legislative Sentiment recognizing:

Eric Staples, of South Portland, who is attending Southern Maine Technical College and is one of 3 undergraduates to receive Maine Campus Compact's 2002 Student Heart and Soul Award for outstanding community service contributions. The award is given annually to undergraduates who have exhibited a depth and breadth of service experience, who have achieved significant results through service, who have shown leadership in their service and who have had an innovative approach to service. We extend our appreciation to Eric for his commitment to the State and congratulate him on his receiving this award;

SLS 645

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

**READ.**

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

Senator **BROMLEY:** Thank you very much, Mr. President. It is my honor to call your attention to Eric Staples today and hope that you can join us in the Hall of Flags later as these students and others will be honored. Eric has organized dozens of community service events in and around the SMTC Campus. He's done food drives. He's organized community and campus clean-ups. He's also done voter registration drives, and we all know how important they are. He's done many holiday and educational activities for children and families. As a former employee of SMTC, I'm doubly proud to be able to mention this honor today. Thank you very much, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Eric Staples of South Portland. Would he please rise and receive the greetings of the Senate.

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning the Payment of Child Support"  
H.P. 1202 L.D. 1624

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

McALEVEY of York  
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton  
BULL of Freeport  
JACOBS of Turner  
MUSE of South Portland  
MADORE of Augusta  
WATERHOUSE of Bridgton  
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-830).**

Signed:

Senator:

RAND of Cumberland

Representatives:

MITCHELL of Vassalboro  
SIMPSON of Auburn  
MENDROS of Lewiston

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

Reports **READ.**

Senator **MCALVEY** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** 1 Legislative Day, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

**Senate**

**Ought to Pass As Amended**

Senator EDMONDS for the Committee on **LABOR** on Bill "An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System"

S.P. 682 L.D. 1884

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-445)**.

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

**READ ONCE.**

Committee Amendment "A" (S-445) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445)**.

Sent down for concurrence.

---

Senator GAGNON for the Committee on **TAXATION** on Bill "An Act to Amend the Tax Laws" (EMERGENCY)

S.P. 669 L.D. 1873

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-444)**.

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

**READ ONCE.**

Committee Amendment "A" (S-444) **READ**.

On motion by Senator **GAGNON** of Kennebec, **TABLED 1** Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-444).

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**SECOND READERS**

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

**House As Amended**

Bill "An Act to Update the Department of Defense, Veterans and Emergency Management Laws"

H.P. 1288 L.D. 1752  
(C "A" H-837)

Bill "An Act to Amend the Boundaries Between Ripley and St. Albans"

H.P. 1429 L.D. 1926  
(C "A" H-825)

Bill "An Act to Protect Police Horses"

H.P. 1435 L.D. 1932  
(C "A" H-834)

Bill "An Act to Promote Organ Donation"

H.P. 1448 L.D. 1945  
(C "A" H-840)

Bill "An Act to Promote Safety of Families through the Workplace"

H.P. 1463 L.D. 1960  
(C "A" H-841)

Resolve, Regarding Participation in Regional Transmission Organization (EMERGENCY)

H.P. 1492 L.D. 1995  
(C "A" H-838)

Bill "An Act Regarding Fire Safety Laws for Residential Care Facilities"

H.P. 1494 L.D. 1997  
(C "A" H-833)

Bill "An Act to Repeal the Retroactive Effect of Changes Made to the Subdivision Laws" (EMERGENCY)

H.P. 1534 L.D. 2037  
(C "A" H-835)

Bill "An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form"

H.P. 1564 L.D. 2069  
(C "A" H-836)

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

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Bill "An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects and Engineers Whose Services Do Not Exceed \$25,000"

H.P. 1427 L.D. 1865  
(C "A" H-826)

**READ A SECOND TIME.**

On motion by Senator **DAVIS** of Piscataquis, **TABLED 1** Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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**Senate As Amended**

Bill "An Act to Waive the Competitive Bid Requirement for Lease of Certain Unused State Facilities"

S.P. 672 L.D. 1875  
(C "A" S-431)



Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-431)**.

Sent down for concurrence.

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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  
(C "A" S-432)

**READ A SECOND TIME.**

On motion by Senator **DAVIS** of Piscataquis, **TABLED 1** Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Specially (2/5/02) Assigned matter:

JOINT RESOLUTION - relative to recognizing and supporting healthy communities S.P. 764

Tabled - February 1, 2002, by President Pro Tem **MICHAUD** of Penobscot

Pending - **ADOPTION**

(In Senate, February 1, 2002, on motion by President Pro Tem **MICHAUD** of Penobscot, **READ.**)

**ADOPTED.**

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/27/02) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create the Office of the Maine-Canada Envoy"

H.P. 1505 L.D. 2008

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-791)** (5 members)

Tabled - February 27, 2002, by Senator **MARTIN** of Aroostook

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, February 26, 2002, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-791) AS AMENDED BY HOUSE AMENDMENT "A" (H-809)** thereto.)

(In Senate, February 27, 2002, Reports **READ.**)

On motion by Senator **SHOREY** of Washington, Bill and accompanying papers **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE.**

Sent down for 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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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 **JUDICIARY** on Bill "An Act to Require Tax-exempt Corporations to File Copies of Federal Internal Revenue Service Form 990 with the Secretary of State" S.P. 702 L.D. 1904

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

**RAND** of Cumberland  
**McALEVEY** of York  
**FERGUSON** of Oxford

Representatives:

LaVERDIERE of Wilton  
BULL of Freeport  
JACOBS of Turner  
MITCHELL of Vassalboro  
MUSE of South Portland  
SIMPSON of Auburn  
MADORE of Augusta  
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

SHERMAN of Hodgdon  
MENDROS of Lewiston

Reports **READ**.

On motion by Senator **FERGUSON** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Under suspension of the Rules, ordered sent down forthwith 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**

**Pursuant to Statutes  
Executive Department, State Planning Office**

The **Executive Department, State Planning Office** pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office (EMERGENCY)  
H.P. 1641 L.D. 2144

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.

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218, 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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**THE PRESIDENT:** The Senate is indeed honored today to have with us a very special person, a good friend to us all, and the wife of our dear friend, the late Senator Joel Abromson. The Honorable Linda Abromson is here with us today. Under unanimous consent, I would ask that the Sergeant-At-Arms escort the Honorable Linda Abromson to the Rostrum where she may, on the record, address the Senate.

**LINDA ABROMSON:** I will take that standing ovation for Joel. Thank you. What an incredible place this is to speak from. Mr. President, Members of the Senate; Joel had, on a couple of occasions, the opportunity to come to this Rostrum and he talked about how impressive it was and what a distinguished audience it was, and in my case today, what a special topic it is, my beloved Joel. Thank you, thank you all. I'm hoping that, for me at least, and maybe for you, today will amount to a kind of closure. The Senate has been such an important part of our lives for such a very long time.

I'd like to tell you a couple of stories - Joel's favorite campaign story and my favorite constituent story. But before I do that, I meant to do something else and I forgot. There are two very special people sitting in the back of the room. My brother, Rob Elowitch, who came up with me and one of Joel's very best friends, Jerome Goldberg, who is sitting with Rob. Several of you may have met Jerry. He was one of the people who pretty regularly chauffeured Joel up here and back when I couldn't.

Two stories: In 1994, Joel's first campaign, Stan Bennett offered Joel the use of one of his boats for a day. So Joel and Tim McManus, his campaign manager, and Stan got into the boat one day before the primary. The primary was in June. Now Joel didn't have a primary opponent, but he also didn't have any name recognition except mine, which I reminded him of often. It seemed appropriate to get out there and get his signs, his name, and his face in front of the electorate, even if he didn't have a primary opponent. So a couple of weeks before the primary in June, they took the boat and they went out to Peaks Island. They met some supporters, and they had coffee in the little coffee shop just after you get off the ferry. They distributed some literature, they dropped off some signs, and then they proceeded onto Long Island where they did the same thing all over again - prearranged with some constituents to do these various tasks with and for Joel. Then they made their way to Cliff Island. At Cliff they did not have any pre-identified supporters. They were hoping to find somebody. They got off the boat, they took a sign, and they started to walk. They found a fellow, an islander, and Tim McManus went over to him and introduced Joel as a candidate for the State Senate and asked the fellow if he would be interested in supporting Joel's candidacy. Well, he had a few questions to ask about taxes and whatever. Apparently Joel gave some more-than-adequate answers and the fellow said, 'Okay, I'll support you.' Tim said, 'Well, we've got just one task we'd like you to do. We have this sign. We'd like you to put it up

now. The day after the primary election in a couple of weeks, we'd like you to take it down, put it in your cellar, take it back out again in the middle of October, put it up again in the middle of October, and take it down the day after the election in November. Would you be willing to do that?' The fellow looked at Joel and said, 'Ayuh, but how did you know I had a cellar?' Joel loved telling that story.

Last November, when Joel's illness became very well known, not that he kept it a secret, but it was becoming more well known and his constituents were becoming aware, he received a letter from a woman whose name is Merryl Hodgson. I don't know her. Joel had met her campaigning a couple of times. I called her and asked her if I could use her letter and the essay she sent with it and her name. She gave me permission to do so. 'Dear Joel, Remember that letter we asked you to send to our son, Nate, about six years ago requesting some words of wisdom? Nate used your story in his application to Bowdoin. One never knows how far an act of kindness will spread out and how many people will be affected. Your many actions as a politician will reverberate for years. We appreciate all you have done. Thank you. Love, Merryl Hodgson.' What was special about this letter was the essay application to Bowdoin that she enclosed. Joel received many, obviously loving, and supportive cards during his illness and since. This essay, the first half of it, reads, 'Several months before my 13<sup>th</sup> birthday, my parents sent out a letter to my family and friends, my favorite authors, and a few politicians asking them to send words of wisdom to me for my birthday. My parents wanted to mark a right of passage into early adulthood for me. They provided a brief biography and one of the things they mentioned was how much harder I had to work in school to get the same grades my older brother received without much effort. On my birthday, I received a big scrapbook containing the results. One of my favorite letters was from Maine Senator Joel Abromson. He wrote about a man who found a caterpillar on a milkweed plant. He transferred the caterpillar to a jar and soon it formed a green chrysalis. Eventually he noticed the chrysalis moving a bit and knew it was ready to hatch. He watched as the butterfly struggled to open the chrysalis. He decided to help the process along by carefully cutting open the casing. A damp butterfly with folded wings emerged but it didn't open its wings and fly away as he expected. Finally he called a friend and described the situation. That butterfly will never fly, the friend explained. Butterflies struggle to get out of their cocoons to strengthen their wings. Without strong wings, they can't fly. This story has great meaning for me and has also brought me comfort.' By the way, I did ask Merryl if Nate got into Bowdoin, but this is this year's application and I won't have an answer until April. He had just written the essay. I will let you all know, when the time comes, whether he got in and decided to go.

My point in bringing it today was because I think it's Joel. Too many of us politicians get too many letters that we think are important and we haven't got time, right then, to write a response or do what it is that we've been asked to do. We put it to one side and eventually we get back to it. When we get back to it, eventually, the deadline has passed and we're somewhat relieved because now the responsibility of doing anything has gone or we've passed it over to somebody else or we've handled it in a quick way because we just didn't have time to deal with all the constituent issues. As I think you know, that wasn't Joel's style. Joel's style was to write a thoughtful, immediate response, no matter how many letters he got, no matter how many requests he got. This is the way he responded. There is another wonderful constituent story about a letter Joel wrote when a baby

was born. But I don't tell it as well as Rick [President Bennett] does and many of you heard it at the testimonial for Joel. If you haven't heard it, ask Rick for that story. He does do a much better job than I do.

The most important thing, I think, that I wanted to do today was to extend some thank-yous. The first thank you is simply to all of you. You have been very important to both of us for a long time. You touched our lives in some very real, important, loving ways. I thank you all for that. Your letters, your visits, your phone calls, your cards, your flowers, so many of you having come to the testimonial. You made us both feel awfully good, Joel in particular. I know it's risky to single out people, but I'm not in politics any more - I can do it. A couple of former members of the Senate, Jane Amero and Phil Harriman, who, because they had more time than you do, spent a lot of time with Joel. They took him out to lunch. They took him for rides. Phil took him out to Two Lights one day. Jane made us the best apple pie I've ever had. The two of them were simply wonderful. I need to mention Joy, who's not here - [Assistant Secretary of the Senate] Joy O'Brien, who has gone to the Baldacci funeral. Joy was the first person to make an accommodation for us. A very thoughtful one. She gave us her parking space. As most of you probably know, at the time she had the best parking space in the parking lot. In addition to Joel having a handicap placard, which she got for us because at that point we hadn't yet thought of it, she also gave us her parking space. She used to go park somewhere else, saying she got here early enough to do that, and we should park in her space. That kind of thoughtfulness, obviously, continued. But that was the beginning. [Secretary of the Senate] Pam Cahill who has made herself and her office so totally available to me during the last difficult, confusing days when I didn't know what I was doing. Pam did, and she was there for me. I also need to mention [Senator] Peggy Pendleton and [Senator] Anne Rand. I'm not sure if either one of them are here. They've gone to the funeral, as well. I need to thank them. Both of them, as you probably know, are medical professionals. Both had called, both had offered their services, both wanted to do whatever they could do for me and for Joel whenever we wanted or needed them. Anne, as a matter of fact, was supposed to spend the day of the 14<sup>th</sup> of January with Joel, nursing him and tending to his needs, because I had hoped to come up to go to the Maine Human Rights Commission meeting. Joel never made it to the afternoon of the 14<sup>th</sup>. But that doesn't lessen the fact that Peggy and Anne were both so willing to share their expertise and their love with us. [Senator] Mary Small and [Senator] Karl Turner who made visits to us and calls to us and spent time with Joel, making sure that anything he wanted to know about what was happening here he was comfortable with and included in. I guess, Rick, the final thank you has to go to you. Rick never forgot us. He called, he came. The flag that flew over the State House I proudly have and the Proclamation I proudly have. The love and the comfort that Rick brought to us from all of you, from himself and his family. Sometimes you wonder if those things really do help, and they really do.

All of you, especially the few I have mentioned, and of most significance, of course, and you all know this already, [Senator] Jill Goldthwait. But maybe you don't know the whole story. If you do, you're going to hear it again. If you don't, it's important that you hear it. I was desperately looking for a nurse. Joel wanted so badly to come home from the hospital. The only thing he wanted at that point was to come home. I couldn't bring him. We couldn't get the nurses in place. We thought we had it for the following Monday, Tuesday at the latest, and Joel just didn't want

that. I don't know who got in touch with Jill, perhaps Rick, but that Saturday around 5 o'clock on January 5<sup>th</sup>, I think, I got a call that Jill would be at the hospital and to have an ambulance ready and Jill would take us home. She did, and she took care of Joel. She taught me how to take care of Joel. She stayed until the nursing shifts were in place and ready to come on Monday. Only after she left, did I find out that January 5<sup>th</sup> had been her birthday. Jill, when I leave the rostrum, these flowers are for you. Happy birthday, belatedly, from Joel and from me. She let us take him home. She trained me. We were able to keep him home for as long as he was aware of his surroundings.

There is no question in my mind that you all are better because Joel was one of you. There is also no question in my mind that Joel was better because he was one of you. Thank you very much.

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Off Record Remarks

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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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On motion by Senator **SMALL** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, to Monday, March 4, 2002, at 10:00 in the morning.