

# 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  
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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  
Monday  
March 18, 2002

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

Prayer by Reverend Wilfried Canfijn, Cornerstone Assembly of God in Windham.

**REVEREND CANFIRJN:** Let's bow our heads this morning. God of heaven and earth, this morning we quiet our hearts and we bow our heads in Your divine presence, that we might acknowledge Your sovereignty and divine rulership over our government and earthly matters. Your words tell us that all authority and all power rightly belongs to You, that the very positions of authority and power that we occupy You have entrusted to us. We, as the Senators and Representatives of the State of Maine, might represent You before the people. Lord, today we ask You for divine wisdom and understanding. Your words tell us that the fear of the Lord, reverence and respect of You, is the beginning of wisdom and true education. Lord, today we ask, in Your name, that You supply to us the understanding, the wisdom, and the knowledge regarding the matters that are at hand. Lord, for this we are gratefully thankful and we are forever in Your debt. Thank You, Father. We ask in the name of Jesus. Amen.

Pledge of Allegiance led by Senator Marge L. Kilkelly of Lincoln County.

Doctor of the day, John Burton, M.D. of Falmouth.

**Off Record Remarks**

Reading of the Journal of Friday, March 15, 2002.

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act to Make Minor Changes to the Maine Technology Institute's Statute and to Make Minor Changes to the Applied Technology Development Centers' Statute

S.P. 712 L.D. 1914  
(C "A" S-452)

In Senate, March 7, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-452) AS AMENDED BY HOUSE AMENDMENT "A" (H-915)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **SHOREY** of Washington, the Senate **RECEDED** and **CONCURRED.**

**COMMUNICATIONS**

The Following Communication: S.P. 811

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

March 11, 2002

Hon. Neria R. Douglass  
Senate Chair, Joint Standing Committee on  
Legal and Veterans Affairs  
Hon. John L. Tuttle, Jr.  
House Chair, Joint Standing Committee on  
Legal and Veterans Affairs  
120<sup>th</sup> Legislature  
Augusta, ME 04333

Dear Senator Douglass and Representative Tuttle:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable James O. Donnelly of Brewer, the Honorable David N. Ott of York, Alan F. Harding of Presque Isle, the Honorable Andrew Ketterer of Madison and M. Michaela Murphy of Waterville for appointment as members of the Commission on Governmental Ethics and Election Practices.

Pursuant to Public Law 2001, Chapter 470, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs 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 **LEGAL AND VETERANS AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.C. 630

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON LABOR**

March 13, 2002

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

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 of the Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Labor from the review and evaluation of the Maine Labor Relations Board. The committee received a presentation from Board staff and took public comment on its performance. Following this review, the committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator Betheda G. Edmonds  
Senate Chair

S/Rep. George H. Bunker, Jr.  
House Chair

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

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The Following Communication: S.C. 631

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2002

The Honorable Richard A. Bennett  
President of the Senate  
The Honorable Michael V. Saxl  
Speaker of the House of Representatives  
120th Maine Legislature  
State House  
Augusta, Maine 04330-0003

Dear President Bennett and Speaker Saxl:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs with respect to the review and evaluation of the University of Maine System.

The committee has concluded that the University of Maine System is operating in accordance with its statutory authority and is fulfilling its statutory mandate.

Sincerely,

S/Senator Betty Lou Mitchell  
Senate Chair

S/Representative Shirley K. Richard  
House Chair

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

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The Following Communication: S.C. 632

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2002

The Honorable Richard A. Bennett  
President of the Senate  
The Honorable Michael V. Saxl  
Speaker of the House of Representatives  
120th Maine Legislature  
State House  
Augusta, Maine 04330-0003

Dear President Bennett and Speaker Saxl:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs with respect to the review and evaluation of the Maine Maritime Academy.

The committee has concluded that the Maine Maritime Academy is operating in accordance with its statutory authority and is fulfilling its statutory mandate.

Sincerely,

S/Senator Betty Lou Mitchell  
Senate Chair

S/Representative Shirley K. Richard  
House Chair

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

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The Following Communication: S.C. 633

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 13, 2002

The Honorable Richard A. Bennett  
President of the Senate  
The Honorable Michael V. Saxl  
Speaker of the House of Representatives  
120th Maine Legislature  
State House  
Augusta, Maine 04330-0003

Dear President Bennett and Speaker Saxl:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs with respect to the review and evaluation of the Maine Technical College System.

The committee has concluded that the Maine Technical College System is operating in accordance with its statutory authority and is fulfilling its statutory mandate.

Sincerely,

S/Senator Betty Lou Mitchell  
Senate Chair

S/Representative Shirley K. Richard  
House Chair

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

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The Following Communication: S.C. 634

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 12, 2002

The Honorable Richard A. Bennett, President  
The Honorable Michael V. Saxl, Speaker  
120th Maine Legislature  
State House  
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Educational Leave Advisory Board under the State Government Evaluation Act. In its review, the committee finds that the Educational Leave Advisory Board is operating within its statutory authority.

Sincerely,

S/Sen. Betty Lou Mitchell  
Senate Chair

S/Rep. Shirley Richard  
House Chair

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

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The Following Communication: S.C. 635

**STATE OF MAINE  
ONE HUNDRED AND TWENTIETH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 12, 2002

The Honorable Richard A. Bennett, President  
The Honorable Michael V. Saxl, Speaker  
120th Maine Legislature  
State House  
Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Health and Human Services from the review and evaluation of the Maine Emergency Medical Services under the State Government Evaluation Act. In its review, the committee finds that the Maine Emergency Medical Services is operating within its statutory authority.

Sincerely,

S/Sen. Susan Longley  
Senate Chair

S/Rep. Thomas Kane  
House Chair

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

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Ensure the Safety of Maine Children While Riding in a Vehicle"

H.P. 1421 L.D. 1867

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-896).**

Signed:

Senators:

SAVAGE of Knox  
O'GARA of Cumberland  
GAGNON of Kennebec

Representatives:

FISHER of Brewer  
BOUFFARD of Lewiston  
WHEELER of Eliot  
McNEIL of Rockland  
MARLEY of Portland  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-897)**.

Signed:

Representatives:

BUNKER of Kossuth Township  
COLLINS of Wells  
WHEELER of Bridgewater  
McKENNEY of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-896)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-896)**.

Reports **READ**.

On motion by Senator **SAVAGE** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-896)** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-896) **READ** and **ADOPTED**, in concurrence.

Senator **TURNER** of Cumberland **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING** at this time.

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

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Senate

**Ought to Pass  
Pursuant to Joint Order**

Senator McALEVEY for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Amend the County Jail Prisoner Support and Community Corrections Fund"

S.P. 810 L.D. 2175

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 768.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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Off Record Remarks

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**Ought to Pass As Amended**

Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Authorizing the Transfer of Rights from Schedule Brook Bridge to Henderson Brook Bridge"

S.P. 703 L.D. 1905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-471)**.

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

**READ ONCE**.

Committee Amendment "A" (S-471) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-471)**.

Sent down for concurrence.

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Senator KNEELAND for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Animal Health and Disease Control Laws"

S.P. 724 L.D. 1965

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-470)**.

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

**READ ONCE**.

Committee Amendment "A" (S-470) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470)**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act Relating to Subdivision Review and Title Search Procedures"

S.P. 779 L.D. 2119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-472).**

Signed:

Senators:

- MARTIN of Aroostook
- SHOREY of Washington
- SAWYER of Penobscot

Representatives:

- KOFFMAN of Bar Harbor
- COWGER of Hallowell
- CLARK of Millinocket
- DAIGLE of Arundel
- DUPLESSIE of Westbrook
- ANNIS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-473).**

Signed:

Representatives:

- TOBIN of Windham
- TWOMEY of Biddeford
- CRABTREE of Hope

Reports **READ.**

Senator **MARTIN** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472)** Report.

On motion by Senator **SHOREY** of Washington, **TABLED** until Later in Today's Session, pending the motion by Senator **MARTIN** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472)** Report.

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**SECOND READERS**

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

**House As Amended**

Bill "An Act to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on the Dead River in Leeds"

H.P. 1465 L.D. 1962  
(C "A" H-902)

Bill "An Act to Amend the Laws Regarding Public Health"

H.P. 1525 L.D. 2029  
(C "A" H-904)

Resolve, Regarding Legislative Review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

H.P. 1547 L.D. 2050  
(C "A" H-905)

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

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**Senate As Amended**

Bill "An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998"

S.P. 183 L.D. 611  
(C "A" S-451)

Bill "An Act to Create the Washington County Development Authority"

S.P. 541 L.D. 1672  
(C "A" S-468)

**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:

**Emergency Measure**

An Act to Clarify the Sex Offender Registration and Notification Act of 1999

H.P. 1518 L.D. 2022  
(C "A" H-865)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**Resolves**

Resolve, to Improve the Health of Maine Citizens Through  
Hepatitis C Prevention and Detection

H.P. 1414 L.D. 1858  
(C "A" H-860)

Resolve, Directing the Director of the Bureau of Liquor  
Enforcement to Study the Equity of Fees for Establishments  
Licensed to Sell Liquor for On-premises Consumption

S.P. 684 L.D. 1886  
(C "A" S-453)

Resolve, to Implement the Recommendations of the Health Care  
Workforce Steering Committee

S.P. 711 L.D. 1913  
(C "A" S-454)

Resolve, Directing the Department of Human Services to Apply  
for a Federal Waiver to Provide Medicaid Benefits to Uninsured  
Residents with a Diagnosis of Cancer

H.P. 1497 L.D. 2000  
(C "A" H-876)

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

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Senate at Ease.

Senate called to order by the President.

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

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Senator **DAVIS** of Piscataquis 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 **YOUNGBLOOD** of Penobscot,  
**ADJOURNED** to Tuesday, March 19, 2002, at 9:00 in the  
morning.