

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

Off Record Remarks

In Senate Chamber
Thursday
January 25, 2001

Senate called to order by President Michael H. Michaud of Penobscot County.

Prayer by Chaplain Glenn Palmer of the Maine Army National Guard.

CHAPLAIN PALMER: I bring you greetings from your Maine Army National Guard and before I share the prayer, I would share with you that as a Chaplain in the Army National Guard and as a Chaplain in the Army Chaplain Corps, where Guard, Reserve and Inactive are not distinguished anymore, I'm in the process of being mobilized to go to Bosnia, where I'll be until the beginning of October. I watched the Governor's State of the State address the other night. My wife and I talked about it afterwards. I shared with her how blessed we are to live in a country where we share power. I'm going to a place where people take power at the end of a gun. With that in mind, let us pray.

Lord of life, we come before You humble and thankful. Thankful that we live in a country and a state where we can express our views, share our opinions, and state our point with passion and power in principle and integrity and still, at the end of the day, not demonize, not disparage, not terrorize, and not attack others. With all this in mind, we thank You for Your creation, Your good nature, and we ask that You bless and keep this Senate this day and always. Amen.

Doctor of the day, John A. James, M.D., Auburn.

Reading of the Journal of Tuesday, January 23, 2001.

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Joint Order:
S.P. 80

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, January 30, 2001, at 10:00 in the morning.

READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care"

H.P. 228 L.D. 265

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Bill "An Act to Create the Maine EPSCoR Capacity Fund"

H.P. 198 L.D. 228

Bill "An Act to Provide a Matching Fund Grant to the Maine Maritime Academy"

H.P. 201 L.D. 231

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)

H.P. 227 L.D. 262

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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

Bill "An Act to Clarify the Application of the Definitions of "Medical Necessity" and "Medically Appropriate Health Care""

H.P. 216 L.D. 251

Bill "An Act to Limit the Interest Rate Charged on Debt to 29 Percent"

H.P. 221 L.D. 256

Come from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

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

Bill "An Act to Promote Economic Development in Rural Maine"
H.P. 213 L.D. 248

Bill "An Act to Amend the Rule-making Process Regarding the State's Plumbing Code" (EMERGENCY)
H.P. 214 L.D. 249

Come from the House, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 72

120TH MAINE LEGISLATURE

January 23, 2001

Senator Richard Kneeland
Representative Linda Rogers McKee
Chairpersons
Joint Standing Committee on Agriculture, Conservation & Forestry
120th Legislature
Augusta, Maine 04333

Dear Senator Kneeland and Representative McKee:

Please be advised that Governor Angus S. King, Jr. has nominated Goodwin O. Gilman of Newport for reappointment as a member of the Maine State Harness Racing Commission.

Pursuant to Title 8, M.R.S.A., §261-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation & Forestry and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud S/Michael V. Saxl
President of the Senate Speaker of the House

READ and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

The Following Communication: S.P. 73

120TH MAINE LEGISLATURE

January 23, 2001

Senator Kevin L. Shorey
Representative John Richardson
Chairpersons
Joint Standing Committee on Business & Economic Development
120th Legislature
Augusta, Maine 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has nominated Margaret S. Haynes of Freeport for reappointment as a member of the Maine State Housing Authority.

Pursuant to Title 30-A, M.R.S.A., §4723, this nomination will require review by the Joint Standing Committee on Business & Economic Development and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud S/Michael V. Saxl
President of the Senate Speaker of the House

READ and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Amend the Standards Regarding the Endangerment of the Welfare of a Dependent Person"
S.P. 71 L.D. 277

Sponsored by Senator McALEVEY of York.
Cosponsored by Representative POVICH of Ellsworth and Representatives: BRANNIGAN of Portland, ETNIER of Harpswell, MITCHELL of Vassalboro, NASS of Acton, O'BRIEN of Augusta, QUINT of Portland, SNOWE-MELLO of Poland, WINSOR of Norway.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

REFERRED to the Committee on **CRIMINAL JUSTICE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Allow the Workers' Compensation Board to Maintain its Current Level of Services"
S.P. 77 L.D. 297

Sponsored by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative: TUTTLE of Sanford.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Bill "An Act to Clarify the Laws Prohibiting Consumption or Possession of Alcohol by a Minor"

S.P. 74 L.D. 294

Sponsored by Senator DOUGLASS of Androscoggin. Cosponsored by Representative LABRECQUE of Gorham and Representatives: CHIZMAR of Lisbon, COTE of Lewiston, HEIDRICH of Oxford, MAYO of Bath. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Prohibit the Display of Liquor in Windows"

S.P. 75 L.D. 295

Sponsored by Senator DOUGLASS of Androscoggin. Cosponsored by Representative TUTTLE of Sanford and Representatives: CHIZMAR of Lisbon, COTE of Lewiston, HEIDRICH of Oxford, LABRECQUE of Gorham, MAYO of Bath. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Specify the Permissible Hours for Sale of Liquor By Wholesale Licensees"

S.P. 76 L.D. 296

Sponsored by Senator DOUGLASS of Androscoggin. Cosponsored by Representative TUTTLE of Sanford and Representatives: CHIZMAR of Lisbon, COTE of Lewiston, HEIDRICH of Oxford, LABRECQUE of Gorham, MAYO of Bath. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

**Pursuant to Resolve
Blue Ribbon Commission to Establish a Comprehensive
Internet Policy**

Senator DOUGLASS for the **Blue Ribbon Commission to Establish a Comprehensive Internet Policy** pursuant to Resolve 1999, chapter 89, section 7 asked leave to report that the accompanying Bill "An Act to Include Analysis and Review of Information Practices in the State Government Evaluation Act Process"

S.P. 78 L.D. 298

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

Report **READ**.

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

**Pursuant to Public Law
Blue Ribbon Commission to Establish a Comprehensive
Internet Policy**

Senator DOUGLASS for the **Blue Ribbon Commission to Establish a Comprehensive Internet Policy** pursuant to Public Law 1999, chapter 762, section 7 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy"

S.P. 79 L.D. 299

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

Report **READ**.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Washington County Emergency Medical Services Authority" (EMERGENCY)

H.P. 85 L.D. 92

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-6)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)**.

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

READ ONCE.

Committee Amendment "A" (H-6) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6)**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Division.

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 Later (1/23/01) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions

H.P. 50 L.D. 59

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, January 9, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

(In Senate, January 16, 2001, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.)

(In House, January 18, 2001, that Body **ADHERED**.)

The Chair moved the Senate **RECEDE** and **CONCUR** and ordered a Division. 11 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by the Chair to **RECEDE** and **CONCUR**, **FAILED**.

President Pro Tem **BENNETT** of Oxford moved the Senate **RECEDE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECEDE**.

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

Bill "An Act to Amend the Laws Regarding Sex Offender Registration"

H.P. 159 L.D. 170

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In House, January 16, 2001, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.)

(In Senate, January 16, 2001, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in **NON-CONCURRENCE**.)

(In House, January 18, 2001, that Body **ADHERED**.)

On motion by Senator **MCALEVEY** of York, the Senate **RECEDED** and **CONCURRED**.

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions

H.P. 119 L.D. 123

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(In House, January 11, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

The Chair moved to **REFER** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

At the request of President Pro Tem **BENNETT** of Oxford a Division was had. 9 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by the Chair to **REFER** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence, **FAILED**.

On motion by President Pro Tem **BENNETT** of Oxford, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Restrict Reintroduction of Previously Failed Citizen Initiatives

H.P. 188 L.D. 199

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(In House, January 18, 2001, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.)

President Pro Tem **BENNETT** of Oxford moved to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

On motion by Senator **TREAT** of Kennebec, **TABLED** until Later in Today's Session, pending motion by President Pro Tem

BENNETT of Oxford to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Later (1/23/01) Assigned matter:

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Reserve Funds
S.P. 59 L.D. 223

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 30, 2001, at 10:00 in the morning.

Tabled - January 23, 2001, by Senator **DAGGETT** of Kennebec

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

Emergency Mandate

An Act to Establish the Washington County Emergency Medical Services Authority

H.P. 85 L.D. 92
(C "A" H-6)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.