

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

In Senate Chamber
Tuesday
March 5, 2002

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

Prayer by Reverend David Rinas, Prince of Peace Lutheran Church in Augusta.

REVEREND RINAS: The Lord be with you. Let us pray.
Lord, God, our Father in Heaven, we give You thanks for the opportunity for the men and women gathered here in this assembly today to effect the course of events and of lives throughout our state. We also pray, Lord, for situations throughout the world that had seemed so far away from us, that now are right on our doorsteps. Therefore we pray for peace in Jerusalem. We pray for peace in Afghanistan. We pray, Lord, for peace in our own homes and in our own state. I pray that You be with all who deliberate today, that You would give them Your spirit, the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord, the spirit of joy in Your presence. Amen.

Doctor of the day, Paul Liebow, M.D. of Bangor.

Reading of the Journal of Monday, March 4, 2002.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 797

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 4, 2002

Hon. Kenneth F. Lemont
Senate Chair, Joint Standing Committee on
Marine Resources
Hon. David G. Lemoine
House Chair, Joint Standing Committee on
Marine Resources
120th Legislature
Augusta, ME 04333

Dear Senator Lemont and Representative Lemoine:

Please be advised that Governor Angus S. King, Jr. has nominated Craig Pendleton of Saco, Ralph L. Smith of Jonesport, David B. Turner of Meddybemps, and L. Blair Pyne of Bremen for reappointments and Dana B. Rice, Sr. of Birch Harbor, Allyson E. Jordan of Portland, Mary Elizabeth Sheehan of Portland and William C. Sutter of Wiscasset for appointments as members of the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. §6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett S/Michael V. Saxl
President of the Senate Speaker of the House

READ and REFERRED to the Committee on MARINE RESOURCES.

Sent down for concurrence.

The Following Communication: S.P. 798

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 4, 2002

Hon. Richard Kneeland
Senate Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
Hon. Linda Rogers McKee
House Chair, Joint Standing Committee on
Agriculture, Conservation and Forestry
120th Legislature
Augusta, ME 04333

Dear Senator Kneeland and Representative McKee:

Please be advised that Governor Angus S. King, Jr. has nominated Harold N. Larrabee of Knox for appointment as a member of the Northeast Interstate Dairy Compact.

Pursuant to Title 7, M.R.S.A. §2953-A, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Richard A. Bennett 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: H.C. 399

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE**

March 4, 2002

Honorable Pamela L. Cahill
Secretary of the Senate
120th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby it accepted the Minority Ought Not to Pass Report of the Committee on CRIMINAL JUSTICE on Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole" (H.P. 827) (L.D. 1081)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide funding for the Advisory Commission on Women Veterans" H.P. 1532 L.D. 2035

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

Signed:

Senators:
GOLDTHWAIT of Hancock
MILLS of Somerset

Representatives:

BERRY of Livermore
BRANNIGAN of Portland
ETNIER of Harpswell
NASS of Acton
WINSOR of Norway
BELANGER of Caribou
ROSEN of Bucksport

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

Signed:

Senator:
CATHCART of Penobscot

Representatives:

MAILHOT of Lewiston
TESSIER of Fairfield
JONES of Greenville

Comes from the House with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED**, and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-828).**

Reports **READ.**

Senator **GOLDTHWAIT** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT**: Thank you, Mr. President, ladies and gentlemen of the Senate. This bill was the result of the hard work of the advisory commission on women veterans to look at issues related to women veterans in the State of Maine. They brought us a bill that proposed additional services for women veterans with a fiscal note on it. It was the strong feeling of the majority of the committee that women veterans should be treated equally with men veterans and that they should not have to come in for an additional appropriation to receive services which were due to them. So following passing out of this report, a compromise was explored with the sponsors, resulting in the amendment put on the bill by the other body. I would urge you to support the Minority Ought to Pass recommendation and then the amendment as passed unanimously by the other body. Thank you.

On motion by Senator **GOLDTHWAIT** of Hancock, the Minority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

READ ONCE.

House Amendment "A" (H-828) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate

Ought to Pass As Amended

Senator RAND for the Committee on **JUDICIARY** on Bill "An Act Regarding Child Abandonment"

S.P. 539 L.D. 1670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-447)**.

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

READ ONCE.

Committee Amendment "A" (S-447) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Appropriate Public Notice of a State Building Project"

S.P. 742 L.D. 2067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-448)**.

Signed:

Senators:

PENDLETON of Cumberland
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick

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

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

KASPRZAK of Newport
CHASE of Levant
HASKELL of Milford

CRESSEY of Baldwin

Reports **READ**.

Senator **PENDLETON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

SECOND READERS

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

House As Amended

Bill "An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat"

H.P. 1467 L.D. 1968
(C "A" H-844)

Bill "An Act to Amend Certain Statutes Regarding Beano and Games of Chance"

H.P. 1512 L.D. 2015
(C "A" H-848)

Bill "An Act to Provide Retirement Equity for Capital Security Officers"

H.P. 1524 L.D. 2028
(C "A" H-846)

Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families (EMERGENCY)

H.P. 1556 L.D. 2058
(C "A" H-847)

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

Senate As Amended

Bill "An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines"

S.P. 664 L.D. 1855
(C "A" S-446)

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (3/4/02) Assigned matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Concerning the Payment of Child Support"
H.P. 1202 L.D. 1624

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-830)** (4 members)

Tabled - March 4, 2002, by Senator **DAGGETT** of Kennebec

Pending - motion by Senator **MCALLEVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, February 27, 2002, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, February 28, 2002, Reports **READ**.)

The Chair ordered a Division. 17 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **MCALLEVEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **YOUNGBLOOD** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Recognize Veterans of World War II and the Korean Conflict in the State House Hall of Flags

S.P. 735 L.D. 2046

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-449)**.

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

READ ONCE.

Committee Amendment "A" (S-449) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/4/02) Assigned matter:

An Act to Permit the Town of Atkinson to Deorganize
S.P. 707 L.D. 1909
(C "A" S-437)

Tabled - March 4, 2002, by Senator **DAVIS** of Piscataquis

Pending - **ENACTMENT**, in concurrence

(In Senate, February 26, 2002, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-437)**.)

(In House, March 4, 2002, **PASSED TO BE ENACTED**.)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

Off Record Remarks

Senator **ROTUNDO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **GOLDTHWAIT** of Hancock was granted unanimous consent to address the Senate off the Record.

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

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Senator **MITCHELL** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Establish a Fatherhood Issues Study Commission

H.P. 370 L.D. 472

Senator **SAVAGE** of Knox was granted unanimous consent to address the Senate off the Record.

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-852)**.

Senator **MCALLEVEY** of York was granted unanimous consent to address the Senate off the Record.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-852)**.

Off Record Remarks

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

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

READ ONCE.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Amend the Freedom of Access Laws to Protect Security Plans"

H.P. 1647 L.D. 2153

Committee Amendment "B" (H-852) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

The Committee on **JUDICIARY** on Bill "An Act to Enact the Uniform Principal and Income Act of 1997"

H.P. 1173 L.D. 1573

REFERRED to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-851)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**.

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality"

H.P. 1646 L.D. 2152

READ ONCE.

Committee Amendment "A" (H-851) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Municipal Reapportionment Authority" H.P. 1446 L.D. 1943

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-850)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-850)**.

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

READ ONCE.

Committee Amendment "A" (H-850) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

On motion by Senator **DAGGETT** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

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 Measure

An Act to Repeal the Retroactive Effect of Changes Made to the Subdivision Laws

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

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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 Measure

An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds

S.P. 755 L.D. 2091

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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 Resolve

Resolve, Regarding Participation in Regional Transmission Organization

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

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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:

Mandate

An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year

S.P. 726 L.D. 1967
(C "A" S-417; S "A" S-440)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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:

Acts

An Act to Make Minor Substantive Changes to the Tax Laws
S.P. 666 L.D. 1870
(C "A" S-429)

An Act Relating to the Dissemination of Intelligence and Investigative Information
S.P. 697 L.D. 1899
(C "A" S-433)

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

An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably
S.P. 133 L.D. 457
(C "B" S-412)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act to Amend the Boundaries Between Ripley and St. Albans
H.P. 1429 L.D. 1926
(C "A" H-825)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act to Protect Police Horses
H.P. 1435 L.D. 1932
(C "A" H-834)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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:

Resolve

Resolve, to Study School Administrative Unit Organization in Maine
S.P. 733 L.D. 2043
(H "A" H-843 to C "A" S-428)

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

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:

Acts

An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code
H.P. 1475 L.D. 1976
(S "A" S-439 to C "A" H-812)

An Act Regarding Fire Safety Laws for Residential Care Facilities
H.P. 1494 L.D. 1997
(C "A" H-833)

An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form
H.P. 1564 L.D. 2069
(C "A" H-836)

An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements
S.P. 776 L.D. 2112

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

An Act to Promote Organ Donation

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

Bill "An Act to Clarify Municipal Reapportionment Authority"

H.P. 1446 L.D. 1943
(C "A" H-850)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Bill "An Act to Provide funding for the Advisory Commission on Women Veterans"

H.P. 1532 L.D. 2035
(H "A" H-828)

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

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

SENATE PAPERS

Senate As Amended

**Pursuant to Joint Order
Joint Standing Committee on Taxation**

Senator GAGNON for the **Joint Standing Committee on Taxation** pursuant to Joint Order 2001, S.P. 770 asked leave to report that the accompanying Bill "An Act to Change the Standard for Requesting an Adjustment to State Valuation Because of a Sudden and Severe Disruption of Valuation" (EMERGENCY) S.P. 799 L.D. 2154

Bill "An Act Regarding Child Abandonment" S.P. 539 L.D. 1670
(C "A" S-447)

Resolve, to Recognize Veterans of World War II and the Korean Conflict in the State House Hall of Flags

S.P. 735 L.D. 2046
(C "A" S-449)

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

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

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

Sent down for concurrence.

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

Sent down for concurrence.

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

ENACTORS

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

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

Act

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:

House As Amended

Resolve, to Establish a Fatherhood Issues Study Commission H.P. 370 L.D. 472
(C "B" H-852)

An Act to Promote Safety of Families through the Workplace H.P. 1463 L.D. 1960
(C "A" H-841)

On motion by Senator **GOLDTHWAIT** of Hancock, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Bill "An Act to Enact the Uniform Principal and Income Act of 1997" H.P. 1173 L.D. 1573
(C "A" H-851)

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