

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

In Senate Chamber
Tuesday
January 23, 2001

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

Prayer by Senator Norman K. Ferguson, Jr. of Oxford County.

SENATOR FERGUSON: Thank you. Father, we greet a new week and a new day. We ask that You keep us from harm. Keep our hearts and tongues from strife. Let us not our anger roar. Let not our eyes see evil sights. Let not our ears hear vanities. Let us not be turned by folly. Let us not be hindered by pride. Let us look upon our peers as good and rightful people. And if we see less than that, let us make sure we are not looking in a mirror. Amen.

Pledge of Allegiance led by Senator Joel Abromson of Cumberland County.

Reading of the Journal of Thursday, January 18, 2001.

Off Record Remarks

HELD MATTER

On motion by Senator **DAGGETT** of Kennebec, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **LABOR** the following:

Bill "An Act to Increase Health Insurance Benefits for Retired Teachers"

S.P. 43 L.D. 211

(In Senate, January 18, 2001, **REFERRED** to the Committee on **LABOR** and ordered printed.)

On further motion by same Senator, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent 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

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**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

Bill "An Act to Create a Uniform Standard Governing Legislative Leaves of Absence"

H.P. 53 L.D. 62

In House, January 11, 2001, **REFERRED** to the Committee on **LABOR** and ordered printed.

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

Comes from the House, that Body **ADHERED**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

Bill "An Act to Require That Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers"

H.P. 56 L.D. 65

In House, January 9, 2001, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

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

Comes from the House, that Body **ADHERED**.

The Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

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

H.P. 159 L.D. 170

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**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

JOINT STUDY ORDER relative to Establishing a Joint Select Committee on the Psychiatric Treatment Initiative.

H.P. 122

In House, January 11 2001, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

In Senate, January 16, 2001, **READ** and motion by Senator **TREAT** of Kennebec to **REFER** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence, **FAILED**. Subsequently, on motion by Senator **SMALL** of Sagadahoc, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

The Senate **INSISTED**.

House Papers

Bill "An Act to Improve Employment and Postsecondary Education Outcomes for Youth with Disabilities Exiting Maine's High Schools"

H.P. 174 L.D. 185

Bill "An Act to Provide Continued Funding for the Maine Arts Program"

H.P. 194 L.D. 205

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.

Bill "An Act to Create an Alliance for the Purpose of Purchasing Health Insurance"

H.P. 193 L.D. 204

Comes 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 Exempt from Concealed Firearms Permit Requirements Residents of Other States Allowed to Carry Concealed Firearms"

H.P. 175 L.D. 186

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

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

Bill "An Act to Award High School Degrees to Certain Members of the Armed Services"

H.P. 171 L.D. 182

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act to Establish a Child Ombudsman Office"

H.P. 148 L.D. 159

Resolve, to Increase Medicaid Reimbursement for Occupational and Physical Therapy and Speech and Language Pathologists and Audiologists

H.P. 172 L.D. 183

Bill "An Act to Provide Relief from Excessive Drug Costs for Maine Residents"

H.P. 176 L.D. 187

Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program

H.P. 177 L.D. 188

Bill "An Act to Expand the Elderly Low-cost Drug Program to Cover Over-the-counter Drugs"

H.P. 178 L.D. 189

Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

H.P. 180 L.D. 191

Bill "An Act to License Freestanding Birth Centers"
H.P. 190 L.D. 201

Come from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act to Limit the Boat Launching in East Winthrop on the Northern End of Cobbosseecontee Lake to Hand Carrying Only"
H.P. 179 L.D. 190

Bill "An Act to Allow the Stocking of Hungarian Partridge"
H.P. 189 L.D. 200

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act to Place a Time Limit on the Award of Spousal Support"
H.P. 184 L.D. 195

Bill "An Act to Improve Maine's Jail Diversion Programs"
H.P. 191 L.D. 202

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

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

Bill "An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System"
H.P. 185 L.D. 196

Bill "An Act to Provide Notice of Termination Status"
H.P. 187 L.D. 198

Come from the House, **REFERRED** to the Committee on **LABOR** and ordered printed.

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

Bill "An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects" (EMERGENCY)
H.P. 152 L.D. 163

Committee on **LABOR** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **BANKING AND INSURANCE**.

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

Bill "An Act to Allow Families of Deceased Veterans to Maintain Cemetery Plots within the Maine Veterans' Memorial Cemetery System"
H.P. 170 L.D. 181

Bill "An Act to Provide Disclosure to Voters by a Person Paid to Collect Signatures"
H.P. 181 L.D. 192

Bill "An Act to Require the Secretary of State to Establish a Central Voter List for the State"
H.P. 182 L.D. 193

Bill "An Act to Ensure Stability in Maine's Harness Racing and Off-track Betting Business"
H.P. 183 L.D. 194

Bill "An Act to Require That Ballots Be Single-sided"
H.P. 195 L.D. 206

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

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

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

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

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

RESOLUTION, Proposing An Amendment to the Constitution of Maine to Restrict Reintroduction of Previously Failed Citizen Initiatives
H.P. 188 L.D. 199

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

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Protect Sensitive Geologic Areas from Oil Contamination" H.P. 168 L.D. 179

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

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

Bill "An Act to Expand Contract Zoning Authority for Municipalities" H.P. 173 L.D. 184

Comes from the House, REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and ordered printed.

REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and ordered printed, in concurrence.

Bill "An Act to Increase the Homestead Property Tax Exemption" H.P. 169 L.D. 180

Bill "An Act to Establish Medical Savings Accounts" H.P. 192 L.D. 203

Come from the House, REFERRED to the Committee on TAXATION and ordered printed.

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

Off Record Remarks

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

ORDERS

Senate Order

On motion by President Pro Tem BENNETT of Oxford, the following Senate Order: S.O. 13

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of the two branches of the Legislature to be held in the Hall of the House at 6:45 in the evening for the purpose of extending to the Honorable Angus S. King, Jr., Governor of the State of Maine, an invitation to attend the Convention and make such communication as pleases him.

READ and PASSED.

The Chair appointed President Pro Tem BENNETT of Oxford to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the President Pro Tem to the House of Representatives

Subsequently, President Pro Tem BENNETT of Oxford reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.P. 69

STATE OF MAINE OFFICE OF THE GOVERNOR 1 STATE HOUSE STATION AUGUSTA, MAINE 04333-0001

January 18, 2001

The Honorable Michael H. Michaud President of the Senate 3 State House Station Augusta, ME 04333-0003

Dear President Michaud,

This is to inform you that I am today nominating Goodwin O. Gilman of Newport for reappointment as a member of the Maine State Harness Racing Commission.

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

Thank you for your assistance in this matter.

Sincerely,

S/Angus S. King, Jr. Governor

READ and WITHDRAWN.

The Following Communication: S.P. 70

STATE OF MAINE OFFICE OF THE GOVERNOR 1 STATE HOUSE STATION AUGUSTA, MAINE 04333-0001

January 18, 2001

The Honorable Michael H. Michaud President of the Senate 3 State House Station

Augusta, ME 04333-0003

Dear President Michaud,

This is to inform you that I am today nominating Margaret S. Haynes of Freeport for reappointment as a member of the Maine State Housing Authority.

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

Thank you for your assistance in this matter.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and WITHDRAWN.

The Following Communication: S.C. 26

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

January 18, 2001

The Honorable Michael H. Michaud
President of the Senate
State House
Augusta Maine 04333

The Honorable Michael V. Saxl
Speaker of the House
State House
Augusta Maine 04333

Dear President Michaud and Speaker Saxl:

It is with pleasure that I accept your invitation to address a Joint Session of the 120th Maine Legislature on January 23, 2001 at 7:00 p.m. to deliver the State-of-the-State address.

I look forward to working with the 120th Legislature during its First Regular Session and to seeing everyone on the 23rd.

Sincerely,

S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Reinstate Emergency Assistance for Dependents of Veterans"

S.P. 60 L.D. 224

Sponsored by President MICHAUD of Penobscot. Cosponsored by Representative WINSOR of Norway and President Pro Tem BENNETT of Oxford, Senators: DAGGETT of Kennebec, FERGUSON of Oxford, MARTIN of Aroostook, Representatives: BRUNO of Raymond, FISHER of Brewer, HEIDRICH of Oxford, Speaker SAXL of Portland.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Protected Reserve Funds

S.P. 59 L.D. 223

Sponsored by Senator MILLS of Somerset.

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

On motion by Senator **DAGGETT** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Lower the Cost of Health Coverage"

S.P. 64 L.D. 235

Sponsored by Senator NUTTING of Androscoggin. Cosponsored by Representative MARRACHE of Waterville and Senators: KILKELLY of Lincoln, MILLS of Somerset, ROTUNDO of Androscoggin, TREAT of Kennebec, Representatives: BROOKS of Winterport, BUMPS of China.

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

Sent down for concurrence.

Bill "An Act to Criminalize the Possession of Theft Tools"

S.P. 62 L.D. 233

Sponsored by Senator DAVIS of Piscataquis. Cosponsored by Representative CARR of Lincoln and Senators: CARPENTER of York, FERGUSON of Oxford, SHOREY of Washington, Representatives: BUCK of Yarmouth, JONES of Greenville, KASPRZAK of Newport, SCHNEIDER of Durham, TRACY of Rome.

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

Sent down for concurrence.

Bill "An Act Regarding Hunts of Nuisance Animals"

S.P. 63 L.D. 234

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative SCHNEIDER of Durham and
Senator: FERGUSON of Oxford, Representatives: BUCK of
Yarmouth, CARR of Lincoln, KASPRZAK of Newport, PERKINS
of Penobscot, SHERMAN of Hodgdon, TRACY of Rome,
WHEELER of Bridgewater.

REFERRED to the Committee on **INLAND FISHERIES AND
WILDLIFE** and ordered printed.

Sent down for concurrence.

Bill "An Act to Improve Allowances for Jury Duty"

S.P. 57 L.D. 221

Sponsored by Senator MILLS of Somerset.

Bill "An Act Regarding the State's Land Use Mediation Program"

S.P. 68 L.D. 264

Sponsored by Senator TREAT of Kennebec.
Cosponsored by Representative COWGER of Hallowell and
Senator: RAND of Cumberland, Representatives: BULL of
Freeport, KOFFMAN of Bar Harbor, LaVERDIERE of Wilton,
MADORE of Augusta.
Submitted by the State Planning Office pursuant to Joint Rule
204.

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

Sent down for concurrence.

Bill "An Act Concerning Eligibility Requirements for State
Employees, Teachers and Participating Local District Employees
to Purchase Military Service Credit"

S.P. 66 L.D. 237

Sponsored by Senator MITCHELL of Penobscot.
Cosponsored by Representative WESTON of Montville and
Senators: MARTIN of Aroostook, CARPENTER of York,
YOUNGBLOOD of Penobscot, Representatives: DUPLESSIE of
Westbrook, ANDREWS of York, DESMOND of Mapleton,
LEDWIN of Holden, STEDMAN of Hartland.

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

Sent down for concurrence.

Bill "An Act to Clarify When Notice is Effective for Termination of
a Tenancy"

S.P. 58 L.D. 222

Sponsored by Senator MILLS of Somerset.

Sent down for concurrence.

Bill "An Act to Enable Small Wineries to do Business in Maine"
S.P. 61 L.D. 225

Sponsored by Senator FERGUSON of Oxford.
Cosponsored by Representative SAVAGE of Buxton and Senator:
SMALL of Sagadahoc, Representatives: BRYANT of Dixfield,
GOODWIN of Pembroke.

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

Sent down for concurrence.

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories
S.P. 65 L.D. 236

Sponsored by Senator PENDLETON of Cumberland.
Cosponsored by Representative: KASPRZAK of Newport.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Authorize the Maine Land Use Regulation Commission to Receive Real Estate Transfer Tax Forms for Municipalities in its Jurisdiction"
S.P. 67 L.D. 263

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representatives: JODREY of Bethel, McLAUGHLIN of Cape Elizabeth.
Submitted by the Department of Conservation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act to Establish a Light Trailer Transporter Plate and License"
S.P. 56 L.D. 220

Sponsored by Senator MILLS of Somerset.

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

Senate at Ease.

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative COLWELL of Gardiner informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 6:45 in the evening for the purpose of extending to the Honorable Angus S. King, Jr., Governor of the State of Maine, an invitation to attend the Convention and make such communications as pleases him.

Off Record Remarks

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by President Pro Tem **BENNETT** of Oxford, **ADJOURNED** to Thursday, January 25, 2001, at 10:00 in the morning.