

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
January 27, 2005

Senate called to order by President Beth Edmonds of Cumberland County.

Prayer by Reverend Gregory Vinson of the Elim Community Church of Bath.

REVEREND VINSON: Good morning. I wish to thank all of you for allowing me to be here this morning, particularly my Senator, Arthur Mayo. It's a delight and privilege to be here again. I think this is my 9th year that I've had the opportunity. It is definitely one of my highlights of the year. I want to read to you an Irish blessing then offer up a prayer.

May the God of the misty dawn awaken you. May the God of the rising sun stir you up. May the God of the morning sky send you on your way. May the God of noonday stillness renew your strength. May the God of the afternoon bring you home. May the God of sunset delight your eye. May the God of twilight calm your nerves. May the God of dusk bring you peace. And may God bless you, the rising and the setting sun, the Alpha and the Omega, the beginning and the end, and the Father, Sun and Holy Ghost.

Let us pray. Father, again we are so grateful this morning to be able to gather. I am so grateful for those in this room who serve this great state. I pray a blessing upon them, that You would bless their day; from the comings and the goings, as they awaken, as they go to sleep, that You will keep in health and bless them in the decisions and guide them as they try to work to make this state that we all live in a better place. I ask that You would give them wisdom, encouragement, empower them, and guide them. In the long hours as they work tirelessly for us, I ask that You would keep their families. May all of us in this state give thanks to You and for those in this room who serve us. Bless them, keep them, and guide them. We pray in Your son's name, Amen.

Doctor of the day, Dr. Lisa Ryan of Naples.

Reading of the Journal of Tuesday, January 25, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Encourage Reuse of Glass Bottles"
S.P. 104 L.D. 342

In Senate, January 20, 2005, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** in **NON-CONCURRENCE**.

On motion by Senator **BROMLEY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Purchase a Train for Passenger Rail Service"
H.P. 294 L.D. 392

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Amend the Maine Motor Vehicle Franchise Board Laws"
H.P. 293 L.D. 391

Bill "An Act To Make Technical Changes to the Medical Licensure Laws"
H.P. 301 L.D. 398

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"
H.P. 302 L.D. 399

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

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

Bill "An Act To Expand Supervised Community Confinement Options for a Person with a Terminal Illness"

H.P. 261 L.D. 348

Bill "An Act Regarding Bail Conditions"

H.P. 270 L.D. 357

Bill "An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit"

H.P. 286 L.D. 384

Bill "An Act To Improve Maine's Sex Offender Notification Laws"

H.P. 292 L.D. 390

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Resolve, To Study the Feasibility of Establishing a Football Program at the University of Southern Maine

H.P. 276 L.D. 363

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services"

H.P. 262 L.D. 349

Bill "An Act To Change the Child Care Facility Licensing Laws"

H.P. 272 L.D. 359

Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Licensing of Intermediate Care Facilities for Mental Retardation Nursing (EMERGENCY)

H.P. 284 L.D. 382

Bill "An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council"

H.P. 290 L.D. 388

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Give Moose Permits to Members of the Wesget-Sipu Organization"

H.P. 267 L.D. 354

Bill "An Act To Prohibit Personal Watercraft on Rocky Pond in the Town of Orland"

H.P. 277 L.D. 364

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

Bill "An Act To Enhance Uniformity of Insurance Producer Licensing"

H.P. 278 L.D. 376

Bill "An Act To Create a High-risk Pool in the Health Insurance Market"

H.P. 296 L.D. 394

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

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act To Limit the Liability of Ambulance Services in Maine"

H.P. 287 L.D. 385

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System"

H.P. 263 L.D. 350

Bill "An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation"

H.P. 280 L.D. 378

Bill "An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges"

H.P. 295 L.D. 393

Bill "An Act To Amend the Laws Concerning the Maine State Retirement System"

H.P. 299 L.D. 396

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed, in concurrence.

Bill "An Act To Ban Government Conflict of Interest in Elections"

H.P. 285 L.D. 383

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Encourage the Scallop Industry"

H.P. 288 L.D. 386

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Enhance the Safe Disposal of Household Hazardous Waste"

H.P. 283 L.D. 381

Bill "An Act To Waive Application Fees on Certain Department of Environmental Protection and Department of Transportation Projects"

H.P. 289 L.D. 387

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

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Reestablish the Penobscot County Budget Committee"

H.P. 274 L.D. 361

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish Health Care as a Right

H.P. 279 L.D. 377

Bill "An Act To Raise the Marriage Fees"

H.P. 281 L.D. 379

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Exempt the United States Flag from State Taxation"

H.P. 266 L.D. 353

Bill "An Act To Increase the State Income Tax Exemption for Retired Workers in the Maine State Retirement System to the Same Level as That of Retirees under the Social Security System"

H.P. 269 L.D. 356

Bill "An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property"

H.P. 271 L.D. 358

Bill "An Act To Allow Citizens To Voluntarily Pay Extra Income Taxes or Donate Money to the State"

H.P. 275 L.D. 362

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act To Create a Retired Firefighter License Plate"

H.P. 273 L.D. 360

Bill "An Act To Allow Small Car Carriers To Haul the Maximum Allowed Vehicles"

H.P. 282 L.D. 380

Bill "An Act Concerning Street Rod Standards"

H.P. 298 L.D. 395

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act To Assist Cellular Telephone Users"

H.P. 265 L.D. 352

Bill "An Act To Amend the Mexico Water District Charter"

H.P. 268 L.D. 355

Bill "An Act To Amend the Waldoboro Utility District"
(EMERGENCY)

H.P. 291 L.D. 389

Bill "An Act To Promote the More Efficient Use of Natural Gas"
H.P. 300 L.D. 397

Come from the House, **REFERRED** to the Committee on
UTILITIES AND ENERGY and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 45

STATE OF MAINE
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333

January 5, 2005

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
P.O. Box 368
Portland, Maine 04112

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the
122nd Maine Legislature on Tuesday, February 1, 2005 at 11:00
a.m. concerning the State of the Judiciary and any other matters
that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 46

STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND, MAINE 04112

January 10, 2005

The Honorable Beth G. Edmonds
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Edmonds and Speaker Richardson:

I am pleased to accept your invitation to address a Joint Session
of the 122nd Maine Legislature on Tuesday, February 1, 2005. I
appreciate the courtesy of the Legislative Branch of government
in permitting me to address the cause of justice in Maine.

I look forward to seeing you on February 1, 2005.

Sincerely,

S/Leigh I. Saufley
Chief Justice

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Make Changes to the Pine Tree Development
Zones"

S.P. 147 L.D. 449

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative ROBINSON of Raymond and
Senator: MILLS of Somerset, Representatives: BEAUDETTE of
Biddeford, CROSBY of Topsham.
Submitted by the Department of Economic and Community
Development pursuant to Joint Rule 204.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to
the Committee on **BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Improve the Role of Boards of Visitors for State
Correctional Facilities"

S.P. 141 L.D. 417

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative GERZOFKY of Brunswick and
Senators: CLUKEY of Aroostook, STRIMLING of Cumberland,
Representative: BLANCHETTE of Bangor.
Submitted by the Department of Corrections pursuant to Joint
Rule 204.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program"

S.P. 142 L.D. 444

Sponsored by Senator **BRENNAN** of Cumberland.
Cosponsored by Representative **PINGREE** of North Haven and Senators: **ANDREWS** of York, President **EDMONDS** of Cumberland, **MAYO** of Sagadahoc, **ROTUNDO** of Androscoggin, Representatives: **DUDLEY** of Portland, **LERMAN** of Augusta.

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Regarding Submission of Health Insurance Claims"

S.P. 140 L.D. 416

Sponsored by Senator **MILLS** of Somerset.

Bill "An Act To Require Health Insurers To Cover the Costs of Hearing Aids"

S.P. 145 L.D. 447

Sponsored by President **EDMONDS** of Cumberland.
Cosponsored by Senator: **BRENNAN** of Cumberland,
Representative: **BLANCHETTE** of Bangor.

Bill "An Act To Require Health Insurers To Cover the Cost of Sign Language Interpreters for All Nonhospital Medical Appointments"

S.P. 146 L.D. 448

Sponsored by President **EDMONDS** of Cumberland.
Cosponsored by Representative: **BLANCHETTE** of Bangor.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Ensure Compliance with the Federal Indian Child Welfare Act"

S.P. 139 L.D. 415

Sponsored by Senator **ROTUNDO** of Androscoggin.
Cosponsored by Representative **PELLETIER-SIMPSON** of Auburn and Senators: **CLUKEY** of Aroostook, **DAMON** of Hancock, President **EDMONDS** of Cumberland, **MARTIN** of Aroostook, **RAYE** of Washington, Representatives: **MOORE** of the Passamaquoddy Tribe, **SHERMAN** of Hodgdon, **LORING** of the Penobscot Nation.

On motion by Senator **BRENNAN** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age"

S.P. 143 L.D. 445

Sponsored by Senator **MILLS** of Somerset.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed.

Sent down for concurrence.

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 148 L.D. 450

Sponsored by Senator **PERRY** of Penobscot.
Cosponsored by Representative: **WOODBURY** of Yarmouth.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Mandate Payment of Certified Deaf Interpreters for Driver Education Students"

S.P. 144 L.D. 446

Sponsored by President **EDMONDS** of Cumberland.
Cosponsored by Senator: **DAMON** of Hancock, Representative: **BLANCHETTE** of Bangor.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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

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.

Senator **MARTIN** of Aroostook moved the Senate remove from the **TABLE** the following:

SENATE ORDER - Directing the Secretary of the Senate To Procure New Senate License Plates
S.O. 10

Tabled - January 13, 2005, by Senator **MARTIN** of Aroostook

Pending - motion by Same Senator to **PASS**

(In Senate, January 13, 2005, on motion by Senator **MARTIN** of Aroostook, **READ**.)

On motion by Senator **GAGNON** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#16)

YEAS: Senators: ANDREWS, BARTLETT, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, HASTINGS, MARTIN, MAYO, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON

NAYS: Senators: BRENNAN, DOW, GAGNON, PERRY, ROTUNDO, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senators: HOBBS, MITCHELL, SNOWE-MELLO

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **MARTIN** of Aroostook to remove from the **TABLE**, **PREVAILED**.

Senator **MARTIN** of Aroostook moved to **PASS**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. What lofty things we debate here in the Senate. I would hope that we could have kept this item on the table a little bit longer. I know the issue about Legislative license plates is near and dear to all of us. Last year we had a review of a bigger issue facing the legislature having to do with the impression and the look of the legislature as a distinct branch of government, distinct from the Executive Branch. The Legislative Council did pass a motion that asked the Facilities Committee, of which I chair, to look at this whole issue of the look of the legislature as a distinct branch and to try to come up with some strategies on how the people of the State of Maine can understand that there is a distinction, a difference, between the Executive Branch and the Legislative Branch and the fact that we are a co-equal branch of government.

I'm reminded of the time I visited my parents shortly before my father's death and my Dad said, 'I saw your boss on television last night.' I'm thinking, 'My boss at Colby?' I didn't know who he was talking about. He said, 'No, the Governor.' I went, 'EEEEEE' The Governor is in a different branch of government but there is this impression out there, because we're all gathered in one big building and we're all sort of part of government, that that somehow all work for the Governor.

I'm reminded of the time when children are brought into the room. When I have kids from my district come in and I always bring them into this chamber and I ask them, 'Who owns this building that you are in? Who's in charge of this building?' Of course I'm looking for the answer that it belongs to the people of the State of Maine. Invariably the kids will say, 'The Governor.'

That's part of what the whole strategy was all about. We're trying to look at some impression. We're trying to look at how we approach the media. We're trying to look at how our impression is different and distinct from the Executive Branch. The Legislative Council agreed with that and we sent it to the Facilities Committee. From there, the Facilities Committee, because of timing issues, thought we wanted to look further at license plates because that is probably the biggest impression that people have. They thought it was time for a change. Changes had not been made since the 1970's and the look of the blue plates for the House and the red plates distinguishing the House from the Senate wasn't necessarily healthy in that we are trying to be unified in our look but also distinctive from the other branches of government. We looked at those issues and started looking at designs. The council did, in fact, approve this new design that people are now critical of. I understand that. Maybe we rushed into that issue. What I was hoping to be able to do is to keep this item on the table so that the Legislative Council can revisit this issue because the Legislative Council has this as a primary and overriding objective for the entire legislature. To now ask the Secretary to go off and sort of circumvent the council and to come up with plates that are different and distinct from the House, I'm not sure how this would work. If we get new plates, do we get rid

of the old ones? Do we have two different types of plates? It would sort of defeat the whole purpose of what we're trying to do. Of course, this whole debate sort of defeats the purpose of what we're trying to do, which is to try to make it look like we are a vital and important branch of government.

I would like to see the Legislative Council revisit this issue and I had planned to have it on the agenda for the next Legislative Council meeting.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. The order before us is a result of a number of members who came to me to basically say ask if there was a way to reverting back to the old plates and that is the purpose of the order. It is not an attempt to undermine anyone's authority. As a matter of fact, I probably should be the last one in the chamber to want it because the good Senator from York, Senator Andrews, would now be number one rather than me. I would be number thirty-five. Certainly it's not because of the numbering that I am presenting the order. It has become, I think, an issue that should never have been an issue, in my opinion. We don't need to change the purpose of the plate. We're just trying to go back, for those who want to go back, to the old style. It is really that simple. To me, it's a very simple question. It seems to me that we ought to deal with it.

Let me remind everyone that the council is the old council that clearly has no authority over this body and what we do in this body. That is why it is our prerogative and that is why the order is drafted the way it is. It does not interfere with what the other body may choose to do. That is entirely up to them, if they choose to anything at all about it. That is where we are. I will point out that earlier on this question the good Senator from Kennebec, Senator Gagnon, asked if I would be willing to table this until the Facilities Committee of the council would meet. I was not opposed to that, but subsequently, when I asked when that was going to occur, it was in some future date. Frankly, it's either we do it now or we don't do it. To me, it's that simple. Everyone can vote any way they want to. Let's get rid of it. To me, that's what we ought to be doing this morning.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President. May I ask a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **DAVIS:** Could the committee get together within ten days and come up with a solution to this problem?

THE PRESIDENT: The Senator from Piscataquis, Senator Davis poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** If the Senator is asking whether or not the Facilities Committee can get together, that certainly is the case. Of course that is a committee of the Legislative Council of the Senator is a member.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** First a comment. I have been a member and am the longest serving member. I do not recall ever voting to accept these plates. However, I did have some reason to miss a few meetings last fall. That might possibly be why I don't recall it. Madame President, I have another question.

THE PRESIDENT: The Senator may pose his question.

Senator **DAVIS:** If the council going to meet within the next week or two? Could they act upon this or could we, as a council, do it by ballot?

THE PRESIDENT: The Senator from Piscataquis, Senator Davis poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President and colleagues. I'm going to vote to support the motion to accept this. My reason is very simple. A lot of people sort of laughed when I said it. Safety. They said, 'Oh no.' If you have been on the interstate or the turnpike, driving home as I do, at night during bad weather, blue and red plates are much more reflective. As a woman traveling alone, even with a cell phone, I believe that if somebody saw my plate, from either side of the aisle, they would stop because they recognize the plate and we are a family. The plates that we have now are too light. They blend in. When those 18-wheelers go by you at speeds much more than 45 miles-per-hour, as the weather that I'm talking about would ask them to, it's dangerous. I also would not pull over for anybody stopped on the side of the road unless they had a plate that was part of my family. Part of my family is either side of the aisle and either chamber. For me, it's simple. I wasn't part of this. I don't want to make it partisan. I want it for safety. I've discussed this with my husband. We have AAA on me. We have a cell phone on me. There are certain understandings. He feels a lot more comfortable with those plates that show up. Personally, I like the blue plate, however, I think we need to do what we need to do. I want, and will vote for, safety and to be able to recognize people quickly to decide whether or not I should stop or if somebody would stop for me. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President. First, I cannot respond to the question posed by the good Senator from Piscataquis, Senator Davis, since I am obviously not a member of the council. I would just say that this matter is no longer before the council. It is before the Senate. This body has precedent over the authority of the Legislative Council under the constitution.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President and men and women of the Senate. Here we go, one of the longer debates of

the session so far. I agree with some of the concerns that the good Senator talked about in terms of safety and that is something that the committee can take a look at without changing the objective. This order actually talks about procurement of plates. As many of you don't know, the exclusive authority over these plates rests with the Secretary of State. This session has established plates based on the recommendation of the Legislative Council and those are the plates that we have today. The Secretary of State is not going to be faced with a situation where one body of the legislature is asking for another set of plates, even though we are obligated to pay for the cost of those plates. Clearly, I don't think there are people sitting in the basement over at the Secretary of State's office with nothing to do. Instead they are going to be asked to design or come up with another legislative plate for the legislature and presumably pushing off other responsibilities that they have. Once again, I think that the appropriate place for this is within the Legislative Council. I can assure the body that I have heard what people have to say about these plates and that the committee will meet about whether we bring it back before the Legislative Council, which is the appropriate place for it to be. That is where it began. Remember that while the Senate Rules apply to what goes on inside this body, we're talking about license plates that are obviously outside this body. Also remember the objective of trying to be a united legislature and trying to improve our image within the legislature. In fact, I'm not so sure we haven't already failed at that.

THE PRESIDENT: The Senator from Aroostook, Senator Martin, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I just need to advise you that I have discussed this with the Secretary of State. There is no cost through the Secretary of State's Office. Whatever costs there would be would be borne by those of us who choose to purchase the plate, as required by state law.

Senator **BRENNAN** of Cumberland moved to **TABLE** until Later in Today's Session, pending the motion by Senator **MARTIN** of Aroostook to **PASS**.

Senator **MARTIN** of Aroostook requested a Division.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#17)

YEAS: Senators: BRENNAN, BROMLEY, DAVIS, GAGNON, MITCHELL, PERRY, ROTUNDO, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DIAMOND, DOW, HASTINGS, MARTIN, MAYO, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON

ABSENT: Senators: HOBBS, SNOWE-MELLO

9 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BRENNAN** of Cumberland to **TABLE** until Later in Today's Session, pending the motion by Senator **MARTIN** of Aroostook to **PASS**, **FAILED**.

On motion by Senator **MARTIN** of Aroostook, **PASSED**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Senate Order was **PASSED**.

The Senate Order was **PASSED**.

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

ORDERS

Joint Order

On motion by Senator **BRENNAN** of Cumberland, the following Joint Order:

S.P. 152

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 1, 2005, at 10:00 in the morning.

READ and **PASSED**.

Ordered sent down forthwith for concurrence.

Senator **BRENNAN** of Cumberland 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.

Off Record Remarks

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 1, 2005, at 10:00 in the morning.