

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

In Senate Chamber
Tuesday
March 8, 2005

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

Prayer by Reverend Lin Peyton of the Episcopal Dioceses of Maine.

REVEREND PEYTON: Oh Holy One who gathers us on Your breath and encircles us with Your hope, bless us as we take these few moments now to quiet our swirling minds, our passionate hearts, our pressing agendas, so that we may remember what a privilege it is to have a seat in this room and that we may offer ourselves anew in service of our state and all its' citizens.

May we be open to new possibilities in our exchanges with each other and our balancing of so many vital issues representing the lives and wellbeing of our people and our communities. In our clamoring for limited resources and our especially painful or difficult decisions, may we be creative, patient, and especially attuned to those who are the voiceless ones in our society and may we not lose the understanding of the larger picture as we fight our particular causes.

Oh Sovereign and gentle spirit, as we unabashedly celebrate and offer our deep gratitude for our returning troops, may we hold especially in our hearts and thoughts those who did not come home and hold their dear families and loved ones who are grieving. May we remember all who are still in the Middle East and all the other dangerous and unstable countries around the world fighting for and building towards peace and freedom.

During this month, Women's History Month, and on this day, International Women's Day, may we all take time to remember the amazing women in our lives who have blessed us in our journeys. May we learn more about the courageous women in public service who are working tirelessly against great barriers to bring about a more just world. In those times that we feel overwhelmed in our work, may that image or that scent of Margaret Chase Smith's rose; simple, fragile, exquisite, beautiful, seep into our consciences to lift us and to bring us a smile.

Now, oh God, invade us with courage, inspire us with justice, endear us with compassion to carry out the hope of our people, entrusted in us to build a strong, diverse, beautiful, and welcoming state. So be it. Amen.

Pledge of Allegiance led by Senator Debra D. Plowman of Penobscot County.

Reading of the Journal of Wednesday, March 2, 2005.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Reform the Taxation of Malt Liquor and Wine"
S.P. 280 L.D. 841

In Senate, February 16, 2005, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** Unassigned, pending **FURTHER CONSIDERATION**.

House Papers

Bill "An Act To Amend the Law Regarding State Milk Payments"
H.P. 723 L.D. 1070

Resolve, To Establish a North Woods Park Feasibility Study
H.P. 742 L.D. 1089

Bill "An Act To Amend Certain Animal Health Laws"
H.P. 759 L.D. 1106

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

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Off Record Remarks

Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program"
H.P. 720 L.D. 1035

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget
H.P. 762 L.D. 1109

Come 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 Requiring Stores of 500 Square Feet To Make Existing Bathroom Facilities Available for Public Use"
H.P. 708 L.D. 1023

Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones
H.P. 731 L.D. 1078

Bill "An Act To Amend the Definition of 'Funeral Establishment'"
H.P. 736 L.D. 1083

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

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

Bill "An Act To Strengthen the OUI Laws"
H.P. 767 L.D. 1114

Bill "An Act To Establish Owner Liability for Failure To Stop for a Police Officer"
H.P. 774 L.D. 1121

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.

Bill "An Act To Make Safer Schools"
H.P. 709 L.D. 1024

Bill "An Act To Strengthen Certain Student Support Services within the Maine Community College System"
H.P. 715 L.D. 1030

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Funding of Local Schools
H.P. 716 L.D. 1031

Resolve, Directing the Department of Education To Review Specific Testing Requirements for Student Advancement
H.P. 741 L.D. 1088

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

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

Bill "An Act To Prevent Lead Poisoning of Children and Adults"
H.P. 719 L.D. 1034

Bill "An Act To Require Health Care Providers To Contain Costs"
H.P. 725 L.D. 1072

Bill "An Act To Protect Maine Foster and Adoptive Parents"
H.P. 761 L.D. 1108

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 Regarding the Reporting of Abuse and Neglect"
H.P. 773 L.D. 1120

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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

Bill "An Act To Promote Public Safety by Banning the Feeding of Bears in the Wild"
H.P. 746 L.D. 1093

Bill "An Act To Alter the Slot Limit Restriction for Fishing"
H.P. 748 L.D. 1095

Bill "An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine"
H.P. 757 L.D. 1104

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

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

Bill "An Act To Expedite the Divorce Process in Instances of Domestic Violence"
H.P. 710 L.D. 1025

Resolve, Directing the Family Law Advisory Commission To Study the Child Protection Process
H.P. 726 L.D. 1073

Bill "An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens"

H.P. 732 L.D. 1079

Bill "An Act To Make Dormancy Fees on Gift Cards Illegal"

H.P. 737 L.D. 1084

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

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

Bill "An Act To Require That a Person Arrested on a Domestic Violence Charge Be Held for at Least 4 Hours before Being Released on Bail"

H.P. 712 L.D. 1027

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Facilitate Voting by Participants in the Address Confidentiality Program"

H.P. 768 L.D. 1115

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

On motion by Senator **HOBBS** of York, **TABLED** 1 Legislative Day, pending **REFERENCE**.

Bill "An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan"

H.P. 733 L.D. 1080

Bill "An Act To Promote Stability in Labor Relations"

H.P. 776 L.D. 1123

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 Provide Uniform Voter Verification and Recount Requirements for Voting Machines"

H.P. 711 L.D. 1026

Bill "An Act To Implement Fusion Voting in Maine"

H.P. 718 L.D. 1033

Bill "An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees"

H.P. 728 L.D. 1075

Bill "An Act To Require Alcohol Retailers To Post Signs Regarding the Laws Governing Alcohol"

H.P. 738 L.D. 1085

Bill "An Act To Protect the Citizen Initiative Signature Collection Process at Polling Places"

H.P. 740 L.D. 1087

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Statewide Participation in Initiating a Referendum by Requiring 10% of the Total Vote by County

H.P. 752 L.D. 1099

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Senators and Representatives and To Increase Term Limits to 12 Years

H.P. 764 L.D. 1111

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years

H.P. 765 L.D. 1112

Bill "An Act To Protect Children Left Unattended at Gambling Establishments"

H.P. 770 L.D. 1117

Bill "An Act Relating to Disclosures in Political Advertising"

H.P. 771 L.D. 1118

Come 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 Amend the Laws Governing Shoreland Zoning"

H.P. 707 L.D. 1022

Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law

H.P. 724 L.D. 1071

Resolve, To Recognize Alton as a Host Community with Regard to the West Old Town Landfill

H.P. 729 L.D. 1076

Bill "An Act To Provide Adequate Funding for the Enforcement of Environmental Laws"

H.P. 744 L.D. 1091

Resolve, To Discourage After-the-fact Department of Environmental Protection Applications

H.P. 750 L.D. 1097

Bill "An Act To Set Emission Limits for Certain Architectural Coatings"

H.P. 753 L.D. 1100

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 Allow Municipalities To Acquire Title to Abandoned Cemeteries"

H.P. 714 L.D. 1029

Bill "An Act To Increase County Filing Fees"

H.P. 745 L.D. 1092

Bill "An Act To Make Technical and Minor Changes in the Capitol Planning Commission"

H.P. 749 L.D. 1096

Bill "An Act To Impose Liability for the Illegal Withholding or Transfer of Public Funds or Property"

H.P. 758 L.D. 1105

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax

H.P. 717 L.D. 1032

Bill "An Act To Stimulate Economic Development in Maine's Aviation Industry"

H.P. 727 L.D. 1074

Bill "An Act To Increase the Real Estate Transfer Tax on Out-of-state Purchasers"

H.P. 739 L.D. 1086

Bill "An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax"

H.P. 743 L.D. 1090

Bill "An Act To Adopt the Streamlined Sales and Use Tax Agreement"

H.P. 747 L.D. 1094

Bill "An Act To Connect the BETR Program with Job Retention"

H.P. 755 L.D. 1102

Bill "An Act To Provide Funding to the Land for Maine's Future Fund"

H.P. 756 L.D. 1103

Bill "An Act To Encourage Local Affordable Housing, Open Space and Shore Access through a High Valuation Transfer Tax"

H.P. 760 L.D. 1107

Bill "An Act To Alleviate Overcrowding in Public Schools"

H.P. 763 L.D. 1110

Bill "An Act To Exempt from the Sales Tax Electricity Used by a Senior Citizen To Heat a Home"

H.P. 769 L.D. 1116

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

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

Bill "An Act To Exempt the Transportation of Products Essential for Agricultural Operations from Certain Restrictions Posted on Roads" (EMERGENCY)

H.P. 722 L.D. 1069

Bill "An Act To Allow Accent Lighting on Motor Vehicles"

H.P. 730 L.D. 1077

Bill "An Act To Prohibit Passing in Designated No-passing Zones"

H.P. 735 L.D. 1082

Resolve, To Examine Driver's License Fees

H.P. 772 L.D. 1119

Resolve, To Establish the Wabanaki Trail

H.P. 775 L.D. 1122

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 Prevent Fraudulent and Deceptive Sales Practices by Internet Service Providers"

H.P. 713 L.D. 1028

Resolve, Directing the Department of Public Safety and the Public Utilities Commission To Review the E-9-1-1 System
H.P. 734 L.D. 1081

Resolve, To Establish Energy Standards for Residential Rental Properties
H.P. 751 L.D. 1098

Bill "An Act To Designate Pay Phone Locations in the Public Interest"
H.P. 754 L.D. 1101

Bill "An Act To Create the Fryeburg Water District"
H.P. 766 L.D. 1113

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.

**Pursuant to Resolve
Task Force to Study Parity and Portability of Retirement
Benefits for State Law Enforcement Officers, Municipal and
County Law Enforcement Officers and Firefighters**

The **Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters**, pursuant to Resolve 2003, chapter 76 asked leave to report that the accompanying Bill "An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters"
H.P. 706 L.D. 1021

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218, in concurrence.

Joint Order

The following Joint Order:

H.P. 721

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources shall report out, to the House, a bill that establishes the same standards for pollution and dumping testing and protections for state coastal water dumping sites as for federal ocean dumping sites. The committee shall report out a bill by April 1, 2005.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 85

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

February 28, 2005

Honorable Beth Edmonds,
President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 362 An Act To Allow Citizens To Voluntarily Pay Extra Income Taxes or Donate Money to the State
- L.D. 370 An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries
- L.D. 452 An Act To Provide a Sales Tax Holiday

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph Charles Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 86

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

February 22, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 38 An Act To Enhance Highway Safety
- L.D. 47 An Act To Require the State To Provide Winter Maintenance on State Aid Highways
- L.D. 79 An Act To Allow the Issuance of Vanity Plates for Buses
- L.D. 152 An Act To Change the Oversight of the Maine Pilotage Commission
- L.D. 155 Resolve, To Direct the Department of Transportation To Build a Truck Escape Ramp on Route 16

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

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

The Following Communication: S.C. 87

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

February 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 378 An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation
- L.D. 445 An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

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

The Following Communication: S.C. 88

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND
ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

February 28, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 304 An Act To Allow People To Buy Motor Vehicles on Sundays

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

SENATE PAPERS

Bill "An Act To Expunge Criminal Records upon Pardon"
S.P. 400 L.D. 1172

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative BLANCHETTE of Bangor and
Representatives: GERZOFKY of Brunswick, PINGREE of North
Haven.

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 To Allow a State Champion Cross-country Running
Team To Participate in New England Competitions"
S.P. 394 L.D. 1130

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative TUTTLE of Sanford and
Senators: MARTIN of Aroostook, RAYE of Washington,
Representatives: FLOOD of Winthrop, LUNDEEN of Mars Hill,
PATRICK of Rumford, TWOMEY of Biddeford.

Bill "An Act Concerning Diplomas and Students with Disabilites"
S.P. 403 L.D. 1175

Sponsored by Senator WOODCOCK of Franklin.
Cosponsored by Senator BRENNAN of Cumberland,
Representative SAVIELLO of Wilton and Representatives: MILLS
of Farmington, PINEAU of Jay.

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to
the Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed.

Sent down for concurrence.

Bill "An Act Regarding Access to Prescription Drugs and
Reimportation"

S.P. 406 L.D. 1178

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative BURNS of Berwick and
Senators: MARTIN of Aroostook, MAYO of Sagadahoc,
MITCHELL of Kennebec, STRIMLING of Cumberland,
Representatives: MILLER of Somerville, PINGREE of North
Haven, WALCOTT of Lewiston, WEBSTER of Freeport.

Bill "An Act Regarding Access to Mental Health Services"
(EMERGENCY)

S.P. 411 L.D. 1183

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative DUDLEY of Portland and
Senators: MARTIN of Aroostook, ROSEN of Hancock,
Representatives: BURNS of Berwick, CANAVAN of Waterville,
GROSE of Woolwich, MILLER of Somerville, PINGREE of North
Haven, WALCOTT of Lewiston.

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 Recognize and Protect the Native Eastern Brook
Trout as Maine's Heritage Fish"

S.P. 395 L.D. 1131

Sponsored by Senator WOODCOCK of Franklin.

Bill "An Act Regarding Duties of Hunters Who Participate in the
Expanded Archery Deer Hunting Season"

S.P. 404 L.D. 1176

Sponsored by Senator WOODCOCK of Franklin.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the
Committee on **INLAND FISHERIES AND WILDLIFE** and ordered
printed.

Sent down for concurrence.

Bill "An Act To Establish Duties for Persons Who Hold Durable
Powers of Attorney or Act as Responsible Parties for Residents of
Long-term Care Facilities"

S.P. 407 L.D. 1179

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: MAYO of Sagadahoc, ROSEN of
Hancock, ROTUNDO of Androscoggin, Representatives:
CRAVEN of Lewiston, FISCHER of Presque Isle, MILLS of
Farmington, PINGREE of North Haven.

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Limit the Early Release of Persons Convicted of Certain Crimes"

S.P. 405 L.D. 1177

Sponsored by Senator **WOODCOCK** of Franklin.

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

On motion by Senator **HOBBS** of York, **TABLED** 1 Legislative Day, pending **REFERENCE**.

Bill "An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters"

S.P. 398 L.D. 1170

Sponsored by Senator **SAVAGE** of Knox.
Cosponsored by Representative **COLLINS** of Wells and Senators: **CLUKEY** of Aroostook, **DAVIS** of Piscataquis, **NASS** of York, **WESTON** of Waldo, Representatives: **BOWEN** of Rockport, **McKANE** of Newcastle.

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

Sent down for concurrence.

Resolve, Authorizing Karen Davis To Sue the State
S.P. 397 L.D. 1133

Sponsored by Senator **PERRY** of Penobscot.

Bill "An Act To Amend the Clean Election Law Regarding Disclaimers on Advertising"

S.P. 399 L.D. 1171

Sponsored by Senator **SULLIVAN** of York.
Cosponsored by Representative **PERCY** of Phippsburg and Senators: **DAMON** of Hancock, **HOBBS** of York, Representatives: **BEAUDETTE** of Biddeford, **COLLINS** of Wells, **DAIGLE** of Arundel, **PARADIS** of Frenchville.

Resolve, Directing the Secretary of State To Design a Process for Early Voting

S.P. 401 L.D. 1173

Sponsored by Senator **DIAMOND** of Cumberland.
Cosponsored by Representative **MOORE** of Standish and Senators: **MARTIN** of Aroostook, **NUTTING** of Androscoggin, **SAVAGE** of Knox, Representative: **BLANCHETTE** of Bangor.

Bill "An Act To Strengthen Enforcement of the Political Signs Law"

S.P. 402 L.D. 1174

Sponsored by Senator **DAMON** of Hancock.
Cosponsored by Senator: **COWGER** of Kennebec, Representatives: **DUNN** of Bangor, **FISHER** of Brewer, **PATRICK** of Rumford.

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

Sent down for concurrence.

Bill "An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council"

S.P. 412 L.D. 1184

Sponsored by Senator **DAMON** of Hancock.
Cosponsored by Representative **SMITH** of Monmouth and Representatives: **ADAMS** of Portland, **ASH** of Belfast, **EDER** of Portland, **FLETCHER** of Winslow, **KAELIN** of Winterport, **PERCY** of Phippsburg.

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

Sent down for concurrence.

Bill "An Act To Encourage Small Water-bottling Companies"
S.P. 410 L.D. 1182

Sponsored by Senator **GAGNON** of Kennebec.
Cosponsored by Representative **THOMPSON** of China and Senator: **MAYO** of Sagadahoc, Representative: **PINGREE** of North Haven.

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

Sent down for concurrence.

Bill "An Act To Dedicate a Portion of Sales Tax Revenue to Municipalities and Counties"

S.P. 396 L.D. 1132

Sponsored by Senator PERRY of Penobscot.
Cosponsored by Representative DUNN of Bangor and Senator: STRIMLING of Cumberland.

Bill "An Act To Create a Property Tax Reimbursement for Commercial Dairy Farms"

S.P. 408 L.D. 1180

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Change the Property Tax Year for the Unorganized Territory"

S.P. 409 L.D. 1181

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative JACKSON of Fort Kent and Senator: DAVIS of Piscataquis, Representatives: JOY of Crystal, PINKHAM of Lexington Township, RICHARDSON of Greenville, SMITH of Van Buren.

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

Sent down for concurrence.

Bill "An Act To Protect Young Drivers"

S.P. 393 L.D. 1129

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PARADIS of Frenchville and Senators: MARTIN of Aroostook, SAVAGE of Knox, Representatives: BROWNE of Vassalboro, HOGAN of Old Orchard Beach, MAZUREK of Rockland, McKENNEY of Cumberland.

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

Sent down for concurrence.

Bill "An Act Directing the State Planning Office To Study Municipal Capabilities To Become Providers of Internet Services"

S.P. 392 L.D. 1128

Sponsored by Senator BROMLEY of Cumberland.

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

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

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

SENATE PAPERS

Bill "An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation"

S.P. 413 L.D. 1196

Sponsored by Senator TURNER of Cumberland. (GOVERNOR'S BILL)

Cosponsored by Representative PERRY of Calais and Senators: BROMLEY of Cumberland, President EDMONDS of Cumberland, MITCHELL of Kennebec, Representatives: DUDLEY of Portland, MUSE of Fryeburg, NORTON of Bangor, Speaker RICHARDSON of Brunswick, THOMPSON of China.

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

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Verner Reed, of Falmouth Foreside, as one of the great artists of New England. Mr. Reed taught himself the art of photography after a fruitless effort in finding someone to photograph the furniture he made so that he could market it. He worked mainly for Life Magazine in the 1950s. Some of his stories included John Kennedy's Senate campaign, the Rosenberg vigil, the Brinks robbery, T.S. Eliot at Harvard, the popular Tasha Tudor doll wedding and President Eisenhower's summer vacation in New England. He has photographed over 125 stories for Life Magazine. Mr. Reed had the first photography exhibit at the DeCordova Museum in Lincoln, Massachusetts at a time when photography was not yet popular. Mr. Reed had a long-term working relationship with Vermont Life magazine and quickly became recognized in New England as one of the foremost photographers of that time. He began his career as a sculptor in 1960. In the 1970s, he and his wife Deborah moved to Pemaquid and farmed a Maine saltwater farm. He moved to Portland in 1980 and started his 3rd artistic pursuit, jewelry and silversmithing. We extend our appreciation to Mr. Reed for his contributions in photography, jewelry and sculpture to New England;

SLS 144

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Senators: STRIMLING of Cumberland, TURNER of Cumberland, Representatives: BRAUTIGAM of Falmouth, MARLEY of Portland, CUMMINGS of Portland, HARLOW of Portland, BRANNIGAN of Portland, EDER of Portland, ADAMS of Portland, DUDLEY of Portland, DAVIS of Falmouth.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I hope you will join me today in welcoming Verner Reed of Falmouth who is here as our guest today at my invitation. The reason that I thought it was important to recognize Mr. Reed today is because of a distinguish career that he's had, not only in Maine but throughout New England, as a photographer, furniture maker, and jeweler. I first became aware of Mr. Reed's work in 1998 when he had a special showing before a special exhibit at the University of New England in the Payson Art Gallery. He had a number of photographs that he had taken of President Kennedy, former Governor Muskie, and other luminaries in both Maine and Vermont. Earlier this year, when we were talking about what type of photographs or what type of pictures we might have in the Senate Majority Office, these pictures came to mind. Mr. Reed has been very gracious in loaning his photography and his photos of President Kennedy, of former Governor Muskie, and one of the Aroostook potato fields to the State Senate and to the Senate Majority Office. We are here today just to recognize his contribution and I hope that you will all join me in honoring him. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber Mr. Verner Reed of Falmouth Foreside. Would he please stand and receive the greetings of the Maine Senate.

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Codify Senate Districts in Statute"

S.P. 40 L.D. 98

Reported that the same **Ought to Pass.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries"

S.P. 77 L.D. 224

Reported that the same **Ought to Pass.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change the Name of T8 SD to Fletchers Landing Township"

S.P. 46 L.D. 140

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-14).**

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Representative:

HARLOW of Portland

Reports **READ.**

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-14) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ENACTORS

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

Emergency Measure

An Act To Amend the Membership of the InforME Board
H.P. 77 L.D. 101
(C "A" H-22)

The Chair noted the absence of the Senator from Cumberland, Senator **BROMLEY** and further excused the same Senator from today's Roll Call votes.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Emergency Resolve

Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education

H.P. 13 L.D. 8

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Acts

An Act To Provide for the Efficient Administration of Family Development Accounts

H.P. 27 L.D. 24

An Act To Standardize Water Lien Provisions

H.P. 183 L.D. 244

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

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 (2/24/05) Assigned matter:

Resolve, To Establish an Apprenticeship Program for Shipbuilders

S.P. 345 L.D. 1005

Tabled - February 24, 2005, by Senator **STRIMLING** of Cumberland

Pending - **REFERENCE**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (2/16/05) Assigned matter:

Bill "An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid"

H.P. 557 L.D. 780

Tabled - February 16, 2005, by Senator **BRENNAN** of Cumberland

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

(In House, February 15, 2005, **REFERRED** to the Committee on **UTILITIES AND ENERGY**.)

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

The Chair laid before the Senate the following Tabled and Today Assigned matter:

Bill "An Act To Shelter IRAs from the Bankruptcy Law"
S.P. 323 L.D. 948

Tabled - March 2, 2005, by Senator **HOBBS** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, February 22, 2005, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.)

(In House, February 24, 2005, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.)

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution: H.P. 813

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES NOT TO CLOSE THE BRUNSWICK NAVAL AIR STATION

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, within the year, Secretary of Defense Donald Rumsfeld, through the Base Realignment and Closure (BRAC) Commission, will make recommendations about which military installations are to be considered for closure in cost-cutting measures for the military and has indicated that reductions may total 25% or an estimated 100 bases; and

WHEREAS, the State of Maine has a distinct and important military installation that is at risk of closure, the Brunswick Naval Air Station; and

WHEREAS, Brunswick Naval Air Station is one of 4 remaining bases at the corners of the continental United States that are perfectly situated for maritime interdiction of weapons of mass destruction threats; and

WHEREAS, Brunswick Naval Air Station is the only fully capable active-duty military airfield in the northeastern United States and is indispensable in both our current and future efforts to counter threats to our security; and

WHEREAS, Brunswick Naval Air Station has more than 63,000 square miles of unencumbered airspace for training and exercise missions and has plenty of space for expansion, even for housing other branches of the military; and

WHEREAS, Brunswick Naval Air Station is the only airfield in the region with a completely secured perimeter for military operations, and Brunswick's 2 parallel runways allow for the operation of all aircraft the Department of Defense possesses today and anticipates for the future; and

WHEREAS, Brunswick Naval Air Station has an outstanding force protection layout, is on the coast and is easily accessible by all forms of transportation, and aircraft can take off and land there without flying over major centers of population; and

WHEREAS, the Maine National Guard is coordinating an initiative to construct an Armed Forces Reserve Center on Brunswick Naval Air Station. Tenants would include the Maine Army National Guard, the Maine Air National Guard and the Marine Corps Reserves; and

WHEREAS, the Army National Guard has begun the process of replacing its current fixed-wing utility fleet with a fixed-wing cargo fleet; and

WHEREAS, Brunswick Naval Air Station has been selected by the National Guard Bureau as one of its regional cargo hubs, and the bureau's recommendation has been sent to the Department of the Army; and

WHEREAS, the Maine Army National Guard is evaluating the possibility of stationing 2 UH-60 Blackhawk helicopters at Brunswick Naval Air Station to provide search-and-rescue missions along the Maine coast; and

WHEREAS, the people of the State of Maine have long been at the forefront of our Nation's defense, are first to join and send troops in any conflict and have a strong tradition of support and appreciation for the bases within our borders; now, therefore, be it

RESOLVED: That We, your Memorialists, take this opportunity to convey our appreciation for the advocacy and support for Brunswick Naval Air Station that the Congress of the United States and the Maine Congressional Delegation have provided over the years, and we strongly urge the Congress of the United States to consider the importance of this installation in

this time of war on terrorism and the vital need to protect our Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Safeguard Federalism in Trade"
H.P. 778 L.D. 1135

Bill "An Act To Ensure the Health and Safety of All Maine Citizens by Licensing Drug Wholesalers"
H.P. 810 L.D. 1167

Bill "An Act To Create State Drug Schedules and Place Additional Restrictions on Prescribing Benzodiazepines"
H.P. 819 L.D. 1190

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement
H.P. 783 L.D. 1140

Bill "An Act To Create the Crime of Vehicular Manslaughter for Persons Who, while Committing a Traffic Infraction, Cause the Death of Another Person"
H.P. 784 L.D. 1141

Bill "An Act To Protect Certain Elderly or Incompetent Dependents"
H.P. 795 L.D. 1152

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Bureau of State Police, Licensing Division"
H.P. 807 L.D. 1164

Bill "An Act To Impose More Stringent Penalties for Driving after Drinking"
H.P. 809 L.D. 1166

Bill "An Act To Protect Women and Children from Sexual Predators by Requiring the State Bureau of Identification to Distribute Registrant Information to Town Clerks"
H.P. 824 L.D. 1195

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Ensure Implementation of All Content Areas of the System of Learning Results"

H.P. 780 L.D. 1137

Bill "An Act To Reduce School Construction Costs"

H.P. 781 L.D. 1138

Bill "An Act To Augment and Diversify the Ranks of Maine Educators"

H.P. 814 L.D. 1185

Bill "An Act To Create a Senior Life Educator Certificate Program"

H.P. 816 L.D. 1187

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

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

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Equal Access to Education for Children in All Parts of the State

H.P. 822 L.D. 1193

Bill "An Act To Create an Academic Bill of Rights"

H.P. 823 L.D. 1194

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places"

H.P. 799 L.D. 1156

Bill "An Act To Clarify the Smoking Ban for Off-track Betting Facilities"

H.P. 815 L.D. 1186

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Increase the Efficiency and Effectiveness of the Department of Inland Fisheries and Wildlife

H.P. 785 L.D. 1142

Bill "An Act To Establish a Muzzle-loading Shotgun Season on Deer"

H.P. 796 L.D. 1153

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce Individual Health Insurance Premiums"

H.P. 811 L.D. 1168

Bill "An Act To Extend Insurance Notification and Protection to Small Businesses and Farms"

H.P. 821 L.D. 1192

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields"

H.P. 786 L.D. 1143

Resolve, Directing the Maine State Retirement System To Develop a Proposal To Provide Relief for Retired State Employees

H.P. 787 L.D. 1144

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Tribal Gaming and Gaming by Nonprofits"

H.P. 788 L.D. 1145

Bill "An Act To Recognize and Regulate the Proper Formation of Minor Political Parties"

H.P. 797 L.D. 1154

Bill "An Act To Prohibit the Sale and Use of Vaporized Alcohol and Alcohol Vaporizing Devices"

H.P. 798 L.D. 1155

Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

H.P. 812 L.D. 1169

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Ensure Ready Access by Consumers to Information Regarding Alcoholic Beverages and Gambling Activities while Decreasing Gambling Abuse"

H.P. 817 L.D. 1188

Bill "An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans"

H.P. 818 L.D. 1189

Come 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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect Fishing Families"

H.P. 790 L.D. 1147

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Review the Responsibilities of the Board of Environmental Protection

H.P. 792 L.D. 1149

Bill "An Act To Protect Children from Toxic Chemicals in Schools"

H.P. 800 L.D. 1157

Bill "An Act To Increase Wetland Protection"

H.P. 803 L.D. 1160

Bill "An Act To Require Notification from the Department of Environmental Protection and the Maine Land Use Regulation Commission upon Permit Application, Issuance and Denial"

H.P. 804 L.D. 1161

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Encourage the Preservation of Affordable Housing"
H.P. 808 L.D. 1165

Bill "An Act To Provide Tax-exempt Status to Service Dog Trainers"
H.P. 820 L.D. 1191

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Fines Imposed on Overweight Vehicles"
H.P. 789 L.D. 1146

Bill "An Act To Recognize the Recipients of the Korea Defense Service Medal"
H.P. 791 L.D. 1148

Bill "An Act To Promote Transportation Investments within Downtowns and Urban Compacts"
H.P. 802 L.D. 1159

Bill "An Act To Amend the Laws Regulating Street Rods and Custom Vehicles"
H.P. 806 L.D. 1163

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Permit the Establishment of Regional Water Councils"
H.P. 805 L.D. 1162

Comes 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.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Legislative Youth Advisory Council**

The **Legislative Youth Advisory Council**, pursuant to the Maine Revised Statutes, Title 3, section 168-A, subsection 1, paragraph E asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council"

H.P. 779 L.D. 1136

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Identify the Benefits and Costs of Adjustments to Building Codes"

H.P. 782 L.D. 1139

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005" (EMERGENCY)

H.P. 383 L.D. 508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-23)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)**.

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

READ ONCE.

Committee Amendment "A" (H-23) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to thank the committee for working on this supplemental budget. I know it's been a long process, as usual. I find, however, that I must vote against this supplement as a businessman.

We're coming out of a recession and the good times are, basically, back with us. I don't believe that we should be looking at supplemental spending at this time. I wish this was a supplemental surplus. That's what I really wish.

As a businessman and a former school teacher, but mostly as a businessman, I would find it difficult to continue to put forth spending when I knew that I was already at the top of the game

because I would hate to see what would happen in the future. I'm referring, basically, to the structural gaps that we face now, the structural gaps that we're going to face two years from now. I wish that we had used a little bit more discipline when getting our finances in order as introduction to dealing with the problems that we're going to have to in the next four years.

I am member of the Board of Directors of a local mid-coast bank. A very good bank, I might add, one that was the leading bank in the state for two years in a row. As a member of the Board of Directors of this bank, I would find this type of business practice unacceptable.

To me, it does not have anything to do with politics. It just has to do with good business. I would just plead that we would have a supplemental surplus at this time and not have a continuing in spending that we do. I noticed most of the spending that we have comes from the Department of Human Services. As I was running for office this spring, summer, and fall, of all the supplements for the budget that had come through, most of the spending problems had to do with this department. I feel that this department is a runaway expense. I wish we could get that under control.

I realize I may be outvoted 34 - 1, it doesn't matter to me. As a businessman I find that I cannot vote for this bill. Thank you for listening to me.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. I largely agree with the good Senator from Lincoln, Senator Dow. The problem before us though is fairly stark and immediate. We have a \$90 million problem for the biennium, the current biennium that ends June 30th, and the good news is that we have the money. End of story. I don't need to say any more. This is something we need to do to make state government work through June 30th. I wish it were differently. I wish things had worked out well in the last biennium. It is a relatively small problem when you look at the state budget and it is something we need to do.

Same Senator requested a Division.

On motion by Senator **WOODCOCK** of Franklin, 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 (#21)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senator: DOW

EXCUSED: Senator: BROMLEY

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, Committee Amendment "A" (H-23) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes"
H.P. 777 L.D. 1134

Bill "An Act To Promote and Facilitate Personal Retirement Saving in Maine"
H.P. 793 L.D. 1150

Bill "An Act To Allow Citizens Who Have Been Overbilled for Property Taxes To Reduce Their Payments in Succeeding Years"
H.P. 794 L.D. 1151

Bill "An Act To Allow Disabled Retired State Employees To Be Eligible for a Pension Deduction under Maine Income Tax Law"
H.P. 801 L.D. 1158

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.

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:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Legislature To Allow the Current Use Valuation of Waterfront Land Used for or That Supports Commercial Fishing Activities

H.P. 224 L.D. 299
(S "A" S-12)

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Secretary of State for his approval.

Senate at Ease.

Senate called to order by the President.

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 Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005
H.P. 383 L.D. 508
(C "A" H-23)

On motion by Senator **WESTON** of Waldo, 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 (#22)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senator: DOW

EXCUSED: Senator: BROMLEY

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 1 Senator being excused, and 33 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.

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

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, March 10, 2005, at 10:00 in the morning.