

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Regular Session
December 4, 2004 to March 30, 2005

Pages 1 - 410

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

122nd LEGISLATURE
STATE HOUSE
AUGUSTA, MAINE 04333

In Senate Chamber
Tuesday
January 4, 2005

December 22, 2004

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

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on
Business, Research, and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on
Business, Research, and Economic Development
122nd Legislature
Augusta, ME 04333

Prayer by Father Frank Murray, Sacred Heart, Saint Louis, and
Saint Philip Catholic Churches of Auburn.

Dear Senator Bromley and Representative Smith:

FATHER MURRAY: My friends, as we begin this 122nd
legislature, and we do so in prayer, let us be in solidarity with
humanity around the globe. Let us keep in mind our brothers and
sisters in southern Asia who know challenges, issues, and
problems way beyond our imagining. Let us pray.

Please be advised that Governor John E. Baldacci has nominated
Dale McCormick of Augusta for appointment as the Director of the
Maine State Housing Authority.

Loving God, we gather today to officially begin the work of
the 122nd legislature. We do this with humility, acknowledging our
individual limitations. We do this with openness, knowing we,
together, bring a vastness and a variety of talents. We do this
with hope, knowing we have Your help and love available to us.
We ask You, oh God, to shower Your grace upon us today and
every day we meet to do the work of the people of the State of
Maine. May our differences not divide us. May our good
intentions continually broaden to include those that we had
initially forgotten and may the end results of our efforts always
accomplish Your will and achieve something greater than we
expected. Finally, bless all who work for all three branches of
Maine State government. Help us to find ways to work together
for the greater good of the entire State of Maine. We ask You to
bless us, our families, our leaders, and all who support and
encourage us. We make our prayer in Your name. Amen.

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

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

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

Sent down for concurrence.

Pledge of Allegiance led by Senator Bill Diamond of Cumberland
County.

The Following Communication: S.P. 10

122nd LEGISLATURE
STATE HOUSE
AUGUSTA, MAINE 04333

December 22, 2004

Doctor of the day, Dr. Dan Hale of Kittery.

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on
Business, Research, and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on
Business, Research, and Economic Development
122nd Legislature
Augusta, ME 04333

Reading of the Journal of Wednesday, December 1, 2004.

Off Record Remarks

Dear Senator Bromley and Representative Smith:

COMMUNICATIONS

Please be advised that Governor John E. Baldacci has nominated
Elisabeth Biemann of New York for appointment as the Director of
the Maine Technology Institute.

The Following Communication: S.P. 9

Pursuant to Title 5 M.R.S.A. §15310, this nomination will require review by the Joint Standing Committee on Business, Research, and Economic Development.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

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

Sent down for concurrence.

The Following Communication: S.C. 8

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 1, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333
Dear Secretary O'Brien,

Pursuant to my authority under P.L. 2003, chapter 696, I am pleased to appoint Sen. Arthur Mayo of Sagadahoc to the Intergovernmental Advisory Group.

He is replacing Sen. Chandler Woodcock of Franklin who is resigning from this commission.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 9

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 3, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Joint Order H.P. 5, I am pleased to appoint the following individuals to the Joint Select Committee on Property Tax Reform.

Senator Dennis Damon of Hancock
Senator Joseph Perry of Penobscot
Senator S. Peter Mills of Somerset
Senator Richard Rosen of Penobscot

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 10

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

December 6, 2004

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under House Paper 5, I have appointed the following members to the Joint Select Committee on Property Tax Reform:

Representative Richard Woodbury of Yarmouth, House Chair
Representative Arthur Lerman of Augusta
Representative Benjamin Dudley of Portland
Representative Edward Dugay of Cherryfield
Representative Jacqueline R. Norton of Bangor
Representative Nancy Smith of Monmouth
Representative Harold Clough of Scarborough
Representative Vaughn Stedman of Hartland
Representative Earle McCormick of West Gardiner
Representative Leonard Earle Bierman of Sorrento
Representative Patrick Flood of Winthrop

Should you have any questions regarding these appointments, please feel free to contact me.

Sincerely,

S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 11

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 14, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Public Laws 2003, Chapter 699 (LD 1815), this is to notify you that Sen. Bruce Bryant of Oxford will be a new member of the Citizen Trade Policy Commission. Sen. Bruce Bryant of Oxford will continue serving on this Commission until the end of his legislative term.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 12

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 15, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Chapter 58, P & S 1999, I am pleased to appoint Senator Elizabeth Mitchell of Kennebec to the Capitol Riverfront Improvement District Governing Board. She will be replacing Senator Beverly Daggett, representing the city of Augusta.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 14

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 17, 2004

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien,

Pursuant to my authority under public Laws 2003, Chapter 699 (LD 1815), this is to notify you that Sen. Kevin Raye of Washington will be a new member of the Citizen Trade Policy commission. Sen. Raye will be replacing Sen. Kneeland of Arrostook.

Sen. Kevin Raye of Washington will continue serving on this Commission until the end of his legislative term.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 15

STATE OF MAINE

December 14, 2004

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien:

Pursuant to our authority under Title 10, MRSA, Chapter 107, Section 929-A, we are pleased to appoint Senator Lynn Bromley of Cumberland to the Maine Economic Growth Council. She will be serving a three-year term, representing a member of the

Legislature with a demonstrated interest in economic development.

Please let us know if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John E. Baldacci
Governor

S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 16

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 20, 2004

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.3, I have made the following appointments to various Joint Standing Committees.

Agriculture, Conservation and Forestry

John M. Nutting, Chair (D-Androscoggin)
Bruce S. Bryant (D-Oxford)
Kevin L. Raye (R-Washington)

Appropriations and Financial Affairs

Margaret Rotundo, Chair (D-Androscoggin)
John L. Martin (D-Aroostook)
Richard A. Nass (R-York)

Business, Research and Economic Development

Lynn Bromley, Chair (D-Cumberland)
Barry J. Hobbins (D-York)
Dana L. Dow (R-Lincoln)

Criminal Justice & Public Safety

G. William Diamond, Chair (D-Cumberland)
John M. Nutting (D-Androscoggin)
Dean F. Clukey (R-Aroostook)

Education and Cultural Affairs

Elizabeth H. Mitchell, Chair (D-Kennebec)
Elizabeth M. Schneider (D-Penobscot)

Karl W. Turner (R-Cumberland)

Health and Human Services

Arthur F. Mayo III, Chair (D-Sagadahoc)
John L. Martin (D-Aroostook)
Richard W. Rosen (R-Hancock)

Inland Fisheries and Wildlife

Bruce S. Bryant, Chair (D-Oxford)
Joseph C. Perry (D-Penobscot)
Chandler E. Woodcock (R-Franklin)

Insurance and Financial Services

Nancy B. Sullivan, Chair (D-York)
Arthur F. Mayo III (D-Sagadahoc)
Peter Mills (R-Somerset)

Judiciary

Barry J. Hobbins, Chair (D-York)
Lynn Bromley (D-Cumberland)
David R. Hastings III (R-Oxford)

Labor

Ethan Strimling, Chair (D-Cumberland)
Philip L. Bartlett II (D-Cumberland)
Lois A. Snowe-Mello (R-Androscoggin)

Legal and Veterans Affairs

Kenneth T. Gagnon, Chair (D-Kennebec)
Elizabeth H. Mitchell (D-Kennebec)
Debra D. Plowman (R-Penobscot)

Marine Resources

Dennis S. Damon, Chair (D-Hancock)
Nancy B. Sullivan (D-York)
Mary Black Andrews (R-York)

Natural Resources

Scott W. Cowger, Chair (D-Kennebec)
John L. Martin (D-Aroostook)
Lois A. Snowe-Mello (R-Androscoggin)

State and Local Government

Elizabeth M. Schneider, Chair (D-Penobscot)
Margaret Rotundo (D-Androscoggin)
Mary Black Andrews (R-York)

Taxation

Joseph C. Perry, Chair (D-Penobscot)
Ethan Strimling (D-Cumberland)
Jonathan T. E. Courtney (R-York)

Transportation

Dennis S. Damon, Chair (D-Hancock)
G. William Diamond (D-Cumberland)
Christine R. Savage (R-Knox)

Utilities and Energy

Philip L. Bartlett II, Chair (D-Cumberland)
Scott W. Cowger (D-Kennebec)
Carol Weston (R-Waldo)

Sincerely,

S/Beth Edmonds
President of the Senate

Susan M. Austin (R-Gray)
Robert A. Berube (R-Lisbon)
John C. Robinson (R-Raymond)
1 Vacancy

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 17

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

TO: Joy J. O'Brien
Secretary of the Senate

FROM: S/John Richardson
Speaker of the House

DATE: January 4, 2005

RE: Committee Appointments
122nd Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees.

Agriculture, Conservation and Forestry

John F. Piotti, Chair (D-Unity)
Jacqueline A. Lundeen (D-Mars Hill)
Raymond G. Pineau (D-Jay)
Joanne T. Twomey (D-Biddeford)
Rodney C. Jennings (D-Leeds)
Roderick W. Carr (R-Lincoln)*
Arlan R. Jodrey (R-Bethel)
Roger L. Sherman (R-Hodgdon)
Patrick S. A. Flood (R-Winthrop)
Donald G. Marean (R-Hollis)

Appropriations and Financial Affairs

Joseph C. Brannigan, Chair (D-Portland)
Benjamin F. Dudley (D-Portland)
Margaret M. Craven (D-Lewiston)
Jeremy Fischer (D-Presque Isle)
Arthur L. Lerman (D-Augusta)
Janet T. Mills (D-Farmington)
H. Sawin Millett, Jr. (R-Waterford)*
Robert W. Nutting (R-Oakland)
Stephen Bowen (R-Rockport)
Darlene J. Curley (R-Scarborough)

Business, Research and Economic Development

Nancy E. Smith, Chair (D-Monmouth)
Lillian LaFontaine O'Brien (D-Lewiston)
Stephen R. Beaudette (D-Biddeford)
Charles Earl Crosby III (D-Topsham)
David W. Farrington (D-Gorham)
Christopher Rector (R-Thomaston)*

Criminal Justice and Public Safety

Patricia A. Blanchette, Chair (D-Bangor)
Stan Gerzofsky (D-Brunswick)
Carol A. Grose (D-Woolwich)
Rosaire "Ross" Paradis, Jr. (D-Frenchville)
Stephen P. Hanley (D-Gardiner)
Richard M. Sykes (R-Harrison)*
John W. Churchill (R-Washburn)
Christian D. Greeley (R-Levant)
Kimberly J. Davis (R-Augusta)
Gary E. Plummer (R-Windham)

Education and Cultural Affairs

Jacqueline R. Norton, Chair (D-Bangor)
Edward D. Finch (D-Fairfield)
Elaine Makas (D-Lewiston)
Emily Ann Cain (D-Orono)
Connie Goldman (D-Cape Elizabeth)
Barbara E. Merrill (D-Appleton)
Vaughn A. Stedman (R-Hartland)*
Gerald M. Davis (R-Falmouth)
Peter Edgecomb (R-Caribou)
Scott E. Lansley (R-Sabattus)

Health and Human Services

Hannah Pingree, Chair (D-North Haven)
William R. Walcott (D-Lewiston)
Carol A. Grose (D-Woolwich)
Richard J. Burns (D-Berwick)
Elizabeth S. Miller (D-Somerville)
David C. Webster (D-Freeport)
Thomas F. Shields (R-Auburn)*
James J. Campbell, Sr. (R-Newfield)
Sarah O. Lewin (R-Eliot)
Kevin J. Glynn (R-South Portland)
Michael Sockalexis (Penobscot Nation)

Inland Fisheries and Wildlife

Thomas R. Watson, Chair (D-Bath)
Walter A. Wheeler, Sr. (D-Kittery)
Stanley A. Moody (D-Manchester)
Jacqueline A. Lundeen (D-Mars Hill)
Troy D. Jackson (D-Fort Kent)
Mark E. Bryant (D-Windham)
A. David Trahan (R-Waldoboro)*
Earl E. Richardson (R-Greenville)
Richard M. Cebra (R-Naples)
David E. Richardson (R-Carmel)

Insurance and Financial Services

Anne C. Perry, Chair (D-Calais)
Lisa T. Marraché (D-Waterville)
John R. Brautigam (D-Falmouth)
Charles William Harlow (D-Portland)
Donald E. Pilon (D-Saco)
Kevin J. Glynn (R-South Portland)*
Michael A. Vaughan (R-Durham)

R. Kenneth Lindell (R-Frankfort)
Jonathan B. McKane (R-Newcastle)
Wesley E. Richardson (R-Warren)

James D. Annis (R-Dover-Foxcroft)
Kimberley C. Rosen (R-Bucksport)

Judiciary

Deborah L. Pelletier-Simpson, Chair (D-Auburn)
Sean Faircloth (D-Bangor)
Stan Gerzofsky (D-Brunswick)
Marilyn E. Canavan (D-Waterville)
Mark E. Bryant (D-Windham)
Michael Edward Dunn (D-Bangor)
Roger L. Sherman (R-Hodgdon)*
Roderick W. Carr (R-Lincoln)
Joan Bryant-Deschenes (R-Turner)
Joan M. Nass (R-Acton)

Labor

William J. Smith, Chair (D-Van Buren)
John L. Tuttle, Jr. (D-Sanford)
Deborah J. Hutton (D-Bowdoinham)
Troy D. Jackson (D-Fort Kent)
Herbert E. Clark (D-Millinocket)
Timothy E. Driscoll (D-Westbrook)
Brian M. Duprey (R-Hampden)*
Philip A. Cressey, Jr. (R-Cornish)
Darren M. Hall (R-Holden)
James M. Hamper (R-Oxford)

Legal and Veterans Affairs

John L. Patrick, Chair (D-Rumford)
John L. Tuttle, Jr. (D-Sanford)
Charles D. Fisher (D-Brewer)
Patricia A. Blanchette (D-Bangor)
Linda M. Valentino (D-Saco)
Randy E. Hotham (R-Dixfield)*
Richard B. Brown (R-South Berwick)
Gary W. Moore (R-Standish)
David N. Ott (R-York)
Wright H. Pinkham, Sr. (R-Lexington Township)
Frederick J. Moore III (Passamaquoddy Tribe)

Marine Resources

Leila J. Percy, Chair (D-Phippsburg)
Walter E. Ash, Jr. (D-Belfast)
Herbert Adams (D-Portland)
Edward R. Dugay (D-Cherryfield)
Jeff Kaelin (R-Winterport)*
H. Stedman Seavey, Jr. (R-Kennebunkport)
Philip A. Cressey, Jr. (R-Cornish)
Kenneth C. Fletcher (R-Winslow)
Harold Ian Emery (R-Cutler)
John Eder (G-Portland)

Natural Resources

Theodore S. Koffman, Chair (D-Bar Harbor)
Joanne T. Twomey (D-Biddeford)
Thomas B. Saviello (D-Wilton)
Judd D. Thompson (D-China)
Robert S. Duchesne (D-Hudson)
Jane E. Eberle (D-South Portland)
Robert A. Daigle (R-Arundel)*
Henry L. Joy (R-Crystal)

State and Local Government

Christopher R. Barstow, Chair (D-Gorham)
Sonya G. Sampson (D-Auburn)
Richard D. Blanchard (D-Old Town)
Charles William Harlow (D-Portland)
James M. Schatz (D-Blue Hill)
Robert H. Crosthwaite (R-Ellsworth)*
George R. Bishop, Jr. (R-Boothbay)
Howard E. McFadden (R-Dennysville)
Bradley S. Moulton (R-York)
Roberta M. Muse (R-Fryeburg)

Taxation

Richard G. Woodbury, Chair (U-Yarmouth)
Herbert E. Clark (D-Millinocket)†
Deborah J. Hutton (D-Bowdoinham)
Raymond G. Pineau (D-Jay)
Thomas R. Watson (D-Bath)
Harold A. Clough (R-Scarborough)*
H. Stedman Seavey, Jr. (R-Kennebunkport)
Earle L. McCormick (R-West Gardiner)
Leonard Earl Bierman (R-Sorrento)
Bruce Q. Hanley (R-Paris)

Transportation

Boyd P. Marley, Chair (D-Portland)
Charles D. Fisher (D-Brewer)
Rosaire "Ross" Paradis, Jr. (D-Frenchville)
Sonya G. Sampson (D-Auburn)
George W. Hogan, Sr. (D-Old Orchard Beach)
Edward J. Mazurek (D-Rockland)
Terrence P. McKenney (R-Cumberland)*
Ronald F. Collins (R-Wells)
William P. Browne (R-Vassalboro)
Douglas A. Thomas (R-Ripley)

Utilities and Energy

Lawrence Bliss, Chair (D-South Portland)
Herbert Adams (D-Portland)
Peter L. Rines (D-Wiscasset)
Christopher W. Babbidge (D-Kennebunk)
John R. Brautigam (D-Falmouth)
Kenneth C. Fletcher (R-Winslow)*
Maitland E. Richardson (R-Skowhegan)
Philip A. Curtis (R-Madison)
Stacey Allen Fitts (R-Pittsfield)
Everett W. McLeod, Sr. (R-Lee)

†Ranking Democratic Member

*Ranking Republican Member

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 13

**TASK FORCE TO STUDY PARITY AND PORTABILITY OF
RETIREMENT BENEFITS FOR STATE LAW ENFORCEMENT
OFFICERS, MUNICIPAL AND COUNTY LAW ENFORCEMENT
OFFICERS AND FIREFIGHTERS**

December 27, 2004

The Honorable Beth Edmonds, President
Maine Senate

The Honorable John Richardson, Speaker
Maine House of Representatives

122nd Maine State Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2003, c. 76, the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Beth Edmonds, Senate Chair

S/Representative Robert Duplessie, House Chair

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

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

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **BRENNAN** of Cumberland moved the Senate **ADJOURN** to Thursday, January 6, 2005, at 10:00 in the morning.

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

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED** to Thursday, January 6, 2005, at 10:00 in the morning.