

# 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**

In Senate Chamber  
Thursday  
January 6, 2005

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

Prayer by Reverend Anna C. Beach of the Pleasant Street United  
Methodist Church in Waterville.

**REVEREND BEACH:** Let us pray. Gracious God, we come before You on this day with words of thanksgiving for all that You have granted to us in this life. Help us to discern the ways in which we can reach out with care and compassion to those in our communities, state, and world who have special needs. We pray for our neighbors here in Maine who face these cold winter months struggling to provide fuel to keep their families safe and warm. We feel compelled to stretch our hands around the world to help our fellow human beings in need in southern Asia in the midst of the current devastation.

We thank You for the beauty of Your creation in this corner of the world that we call home, whether we are Maine natives or transplants from other parts of the country or world. We are grateful for the abundance that You have given to all of us. From the rock bound coast to the north woods, people have for centuries made a living off the land. Help us to be good stewards of this land for future generations as we carefully manage its use.

So many of our youth have left Maine looking for job opportunities that escape them at home. Help us stem the flow of this outward loss of our young people as we find new ways to create jobs that will channel their training and natural talents here in Maine. Downsized companies and closed mills and factories have left many of our older citizens without viable means of supporting themselves and their families. Guide our leaders in attracting new businesses and offering job training to also help those who have lost jobs they have held for years.

However, even in the midst of the economic problems we face there is hope. We thank You for the fine teaching staffs of our public schools and university system that are helping us educate new generations, for among these students of today will come the leaders of tomorrow for Maine and our nation.

So many of our young men and women, and even some who are approaching middle age, have been called upon to fight in a land far away. May Your divine providence guide and protect them. Our prayers are especially with those parents, spouses, and children who have lost loved ones in the war in Iraq. May we soon know peace in this world.

We thank You for the countless hours spent in all levels of government by our dedicated elected and appointed leaders who reach out in the best interest of our citizens. We pray for Governor Baldacci and his executive staff as they carry out their duties. We pray for the men and women who serve in our Judicial system and we pray for the members of the State Legislature, especially those who serve in this august body. Be with these Senators as they debate the issues before them in this

chamber. May they always keep in mind the citizens of this state and not allow personal interest and prejudices to interfere with their duties as representatives of the people. We thank You also for those men and women who assist these elected officials in the carrying out of their duties. Hear our prayers, oh God, as we begin this day, this day that You have created. Amen.

Reading of the Journal of Tuesday, January 4, 2005.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Joint Order:  
S.P. 13

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 11, 2005, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Promote Provision of Dental Services to Indigent Children"

H.P. 10 L.D. 5

Comes 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 Prohibit a Credit Card Processing Company from Charging a Termination Fee"

H.P. 11 L.D. 6

Comes 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.

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Change the Property Valuation Process  
H.P. 9 L.D. 4

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

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

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Resolve, To Equalize Funding of Rail Service from New  
Hampshire

H.P. 8 L.D. 3

Comes 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.

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**COMMUNICATIONS**

The Following Communication: S.C. 18

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

December 29, 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 Title 38, MRSA, Chapter 14-A,  
Section 1453-A, I am pleased to appoint Senator Philip Bartlett of  
Cumberland to the Advisory Commission on Radioactive Waste  
and Decommissioning, representing a Senator on the Utilities and  
Energy Committee.

He will replace Senator Chris Hall.

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.**

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The Following Communication: S.C. 19

**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 Senator Christine Savage of Knox to the  
Intergovernmental Advisory Group.

She will replace Senator Art Mayo of Sagadahoc who has  
resigned 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.**

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The Following Communication: S.C. 20

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

January 10, 2005

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

Dear Secretary O'Brien:

Pursuant to my authority under Article III, Section 3.01 of the  
National Legislative Association on Prescription Drug Prices  
bylaws, I am pleased to appoint Sen. Arthur Mayo III of  
Sagadahoc to the National Legislative Association on Prescription  
Drug Prices.

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.**

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**SENATE PAPERS**

Bill "An Act To Institute Loser-pay Litigation in the State of Maine"  
S.P. 14 L.D. 34

Sponsored by Senator **CLUKEY** of Aroostook.  
Cosponsored by Senator **DAMON** of Hancock, Representative **BRYANT-DESCHENES** of Turner, Representative **SHERMAN** of Hodgdon and Senators: **DAVIS** of Piscataquis, **DOW** of Lincoln, **SAVAGE** of Knox, Representative: **CROSTHWAITE** of Ellsworth.

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

Sent down for concurrence.

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Bill "An Act To Implement the School Finance and Tax Reform Act of 2003"

S.P. 11 L.D. 12

Sponsored by Senator **NUTTING** of Androscoggin.  
Cosponsored by Representative **FLETCHER** of Winslow and Senators: **BARTLETT** of Cumberland, **DAVIS** of Piscataquis, **MARTIN** of Aroostook, **MITCHELL** of Kennebec, **TURNER** of Cumberland, Representatives: **MAZUREK** of Rockland, **PARADIS** of Frenchville, **SCHATZ** of Blue Hill.

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

On motion by Senator **BRENNAN** of Cumberland, **TABLED 1** Legislative Day, pending **REFERENCE.**

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Bill "An Act To Support Maine Sawmills and Lumberyards"  
S.P. 12 L.D. 13

Sponsored by Senator **DAMON** of Hancock.  
Cosponsored by Representative **MARLEY** of Portland and Senators: **DIAMOND** of Cumberland, **SAVAGE** of Knox, Representatives: **COLLINS** of Wells, **CROSTHWAITE** of Ellsworth, **FISHER** of Brewer.

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.

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

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Off Record Remarks

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

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

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Off Record Remarks

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

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 11, 2005, at 10:00 in the morning.