

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 13, 2005

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

Prayer by Reverend Michael N. Ambler, Jr. of the Grace
Episcopal Church of Bath.

REVEREND AMBLER: Good morning and thank you for the
privilege of being with you this morning. Let us pray.

Dear Lord, we thank You for the great State of Maine which
day by day is the first in our nation to greet the rising sun. We
thank You for its cities and its shoreline, its forest and its
factories, for its rivers and bays, and all its beauty. We thank You
for the things that we know here, things like caring for each other,
being kind, speaking civilly, and remembering that relationships
outlast issues. Grant that we may be a light to the nation and a
reminder of the value of neighborliness.

Bless all those who gather here today to do the public
business. Give them integrity in their work. Help them to hear
the voices of those who speak clearly and are well represented
and the voices of those who are inarticulate and unrepresented.
We thank You for the service of the Senators and the staff who
assists them. Grant that they all may remember the ideals that
lead them to serve in the first place. May they honor the
sacredness of the trust that rests in them and may they end this
day proud of the work that they have done and the people they
have been. Amen.

Doctor of the day, Dr. Rebecca Chagrasulis of Casco.

Reading of the Journal of Tuesday, January 11, 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. 68

ORDERED, the House concurring, that when the House and
Senate adjourn, they do so until Tuesday, January 18, 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 Ensure Funding for After-school Programs"
H.P. 92 L.D. 116

Comes 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 Authorize Certain Campers To Carry Asthma
Inhalers and Epinephrine Pens on Their Persons"
H.P. 48 L.D. 52

Resolve, To Require the Department of Health and Human
Services To Adopt Rules Regarding Accrual of Cost Savings
(EMERGENCY)

H.P. 56 L.D. 60

Bill "An Act To Reduce Costs to the Health Services System"
H.P. 65 L.D. 69

Resolve, To Require the Department of Health and Human
Services To Amend Rules Regarding Payment for Goods and
Services (EMERGENCY)

H.P. 72 L.D. 76

Bill "An Act To Require the Department of Health and Human
Services To Analyze Costs before the Legislature Imposes
Mandates"

H.P. 84 L.D. 108

Bill "An Act To Establish the Unused Prescription Drug Program"
H.P. 105 L.D. 129

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

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

Bill "An Act To Implement the Recommendations of the
Commission To Study Public Health Concerning Chain
Restaurants"

H.P. 86 L.D. 110

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

On motion by Senator **MAYO** of Sagadahoc, **TABLED 1** Legislative Day, pending **REFERENCE**.

Joint Resolution

The following Joint Resolution:

H.P. 107

**JOINT RESOLUTION ON BEHALF OF MAINE WOMEN
WITH CERVICAL CANCER**

WHEREAS, following breast cancer, cervical cancer is the 2nd most common cancer in women worldwide; and

WHEREAS, according to federal governmental statistics, cervical cancer is the 3rd most common gynecological cancer among American women, with approximately 12,200 new cases diagnosed annually, 4,100 of which result in fatalities; and

WHEREAS, with regular and accurate screening, cervical cancer is highly preventable; widespread screening programs have helped to reduce death rates of women from cervical cancer, but women are still dying even with such advanced medical techniques and evaluative procedures; and

WHEREAS, cervical cancer cases in the United States are generally attributed to a lack of awareness, a reduction of access to regular cervical cancer screening and a lack of screening accuracy; and

WHEREAS, experience shows that increasing awareness of cervical cancer among women, especially the underserved women within our State, significantly reduces the probability of mortality; and

WHEREAS, cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening; and

WHEREAS, approximately 50% of all cervical cancer cases are in women who have never been screened, and 10% of cases are in women who have not been screened within the last 5 years; and

WHEREAS, the median age of cervical cancer patients at diagnosis is 47 years, the youngest median age for all female reproductive cancers; and

WHEREAS, new screening technologies, including FDA-approved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to finally eliminate this potentially deadly disease through early identification of women at increased risk; and

WHEREAS, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society and the Association of Reproductive Health Professionals, have recently updated their screening guidelines to include FDA-approved testing for the human papillomavirus; and

WHEREAS, women are entitled to proper cervical cancer information to empower them to make informed health care decisions and obtain access to routine screening, including the most accurate methods available; and

WHEREAS, through education and screening, women can lower their likelihood for developing cervical cancer, and through early detection, cervical cancer can be successfully treated after it develops; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Regular Session, urge the Department of Health and Human Services to review available data regarding cervical cancer and human papillomavirus in women within all states and United States territories and to evaluate current methods used to provide women with information regarding cervical cancer, access to regular screening and options for increasing screening accuracy to more effectively inform women throughout the State that, with regular screening, cervical cancer is highly preventable; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John E. Baldacci, Governor of Maine, to Dr. Dora Anne Mills, Director and State Health Officer, and to Mr. John R. Nicholas, Commissioner of Health and Human Services.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 27

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

January 5, 2005

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 20-A, MRSA, Chapter 7, Section 603, I am pleased to appoint Senator Elizabeth Mitchell of Kennebec to the Education Commission of the States representing a Senator. She will be replacing Senator Peggy Rotundo of Androscoggin.

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. 28

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

January 6, 2005

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 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 the following Senators to the National Legislative Association on Prescription Drug Prices.

Senator Richard Rosen of Penobscot
(replacing Senator Michael Brennan)

Senator Elizabeth Schneider of Penobscot
(replacing Senator Peggy Rotundo)

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

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 29

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

January 6, 2005

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 7, MRSA, Chapter 5, Section 125, I am pleased to appoint Senator John Nutting of Androscoggin to the Board of Agriculture, representing a Senator on the Agriculture, Conservation and Forestry Committee. He will be replacing Senator Bruce Bryant of Oxford.

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. 30

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

January 6, 2005

Honorable Joy O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 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 Lois Snowe-Mello of Androscoggin to the Advisory Commission on Radioactive Waste and Decommissioning, representing a Senator on the Natural Resources Committee. She will be replacing Senator Tom Sawyer.

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. 31

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

January 6, 2005

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

Dear Secretary O'Brien:

Pursuant to my authority under Title 30-A, MRSA, Chapter 187, Section 4350, I am pleased to appoint the following Senators to the Community Preservation Advisory Committee, representing Senators on the Business, Research and Economic Development Committee.

Senator Lynn Bromley of Cumberland
(reappointment)

Senator Dana Dow of Lincoln
(replacing Senator Tom Sawyer)

Please contact my office 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. 32

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

January 7, 2005

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

Dear Secretary O'Brien:

Pursuant to my authority under Executive Order 24 FY 04/05, I am pleased to appoint Senator Bruce Bryant of Oxford to the Task Force on Traditional Uses and Public Access to Lands in Maine. He will be replacing Senator Stephen S. Stanley.

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. 33

**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, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Public Laws 2003, Chapter 707, I am pleased to appoint Sen. Bill Diamond of Cumberland to the Commission to Improve the Sentencing, Supervision, Management & Incarceration of Prisoners representing a Senator of the political party with the largest number of seats in the Senate. He will be replacing Senator Mary Cathcart.

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.

SENATE PAPERS

Bill "An Act To Make a Record of Dog Licenses Available On-line"
S.P. 45 L.D. 139

Sponsored by Senator ANDREWS of York.
Cosponsored by Senator: SNOWE-MELLO of Androscoggin,
Representative: LEWIN of Eliot.

Bill "An Act To Improve Access to Public Lands"
S.P. 49 L.D. 143

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative SAVIELLO of Wilton and
Senators: MILLS of Somerset, WOODCOCK of Franklin,
Representatives: MILLS of Farmington, PINKHAM of Lexington
Township.

On motion by Senator NUTTING of Androscoggin, REFERRED to
the Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** and ordered printed.

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, THURSDAY, JANUARY 13, 2005

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Fractionation Development Center"
S.P. 55 L.D. 149

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative PATRICK of Rumford and Senator: MARTIN of Aroostook, Representatives: BRYANT of Windham, HOTHAM of Dixfield, JODREY of Bethel, MARRACHÉ of Waterville, MILLETT of Waterford, MILLS of Farmington, TUTTLE of Sanford.

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

Sent down for concurrence.

Bill "An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens"
S.P. 60 L.D. 154

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative CRAVEN of Lewiston and Senators: President EDMONDS of Cumberland, MILLS of Somerset, Representatives: DUDLEY of Portland, FAIRCLOTH of Bangor, PINGREE of North Haven.

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

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

Bill "An Act To Restrict Undocumented Mortgage Agreements"
S.P. 65 L.D. 159

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative RECTOR of Thomaston and Senator: SNOWE-MELLO of Androscoggin, Representatives: BARSTOW of Gorham, CURLEY of Scarborough, DUDLEY of Portland, FISCHER of Presque Isle, PERRY of Calais, PILON of Saco, SAVIELLO of Wilton.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Protect Supplemental Security Income Benefits"
S.P. 48 L.D. 142

Sponsored by Senator NUTTING of Androscoggin.

Cosponsored by Representative PINGREE of North Haven and Representative: DUDLEY of Portland.

Bill "An Act To Require Certain Physicians To Provide Information about Thimerosal in Vaccines"
S.P. 54 L.D. 148

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative CURLEY of Scarborough and Senators: DIAMOND of Cumberland, MAYO of Sagadahoc, Representative: PINGREE of North Haven.

Bill "An Act To Improve the Delivery of Maine's Mental Health Services"
S.P. 57 L.D. 151

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Senators: MAYO of Sagadahoc, MILLS of Somerset, Representatives: CRAVEN of Lewiston, DUDLEY of Portland, PINGREE of North Haven, WALCOTT of Lewiston.

Bill "An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol"
S.P. 66 L.D. 160

Sponsored by Senator MILLS of Somerset.

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 Prohibit a Landowner from Charging a Fee for Bear Baiting"
S.P. 43 L.D. 137

Sponsored by Senator COWGER of Kennebec.

Bill "An Act To Redefine the Boundaries of the Fairfield Sanctuary"
S.P. 50 L.D. 144

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representatives: FINCH of Fairfield, TRAHAN of Waldoboro, WATSON of Bath.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Allow an Appeal for Cancellation of Commercial Insurance"

S.P. 42 L.D. 136

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative MOODY of Manchester and
Senators: CLUKEY of Aroostook, NUTTING of Androscoggin,
SULLIVAN of York, Representatives: FLOOD of Winthrop,
HANLEY of Gardiner, McKANE of Newcastle, RECTOR of
Thomaston, SMITH of Monmouth.

Bill "An Act To Assist Dental Hygienists"

S.P. 67 L.D. 161

Sponsored by Senator PERRY of Penobscot.
Cosponsored by Representative PINGREE of North Haven and
Senators: MARTIN of Aroostook, SULLIVAN of York,
Representative: WEBSTER of Freeport.

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

Sent down for concurrence.

Bill "An Act Concerning the Disclosure of Juror Information"

S.P. 63 L.D. 157

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act Concerning Appeal Rights under the Maine Enterprise
Option Program"

S.P. 51 L.D. 145

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Senators: DIAMOND of Cumberland, PERRY of Penobscot,
SNOWE-MELLO of Androscoggin, Representatives: BURNS of
Berwick, HANLEY of Gardiner, MILLS of Farmington, SMITH of
Monmouth, WATSON of Bath.
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act To Adjust the Wage Base for the Unemployment
Compensation System"

S.P. 62 L.D. 156

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act To Validate Collective Bargaining Provisions That
May Affect Education Policies"

S.P. 64 L.D. 158

Sponsored by Senator MILLS of Somerset.

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

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

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Revoke the Voting Privileges of Persons Convicted of
Certain Crimes

S.P. 53 L.D. 147

Sponsored by Senator COURTNEY of York.
Cosponsored by Senator ANDREWS of York, Representative
CAMPBELL of Newfield and Senators: NASS of York, SNOWE-
MELLO of Androscoggin, WOODCOCK of Franklin,
Representatives: BERUBE of Lisbon, BIERMAN of Sorrento,
BOWLES of Sanford, CLOUGH of Scarborough, FLETCHER of
Winslow.

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

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Ensure Proper Disposal of Debris and Protection
of the Environment"

S.P. 47 L.D. 141

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative TWOMEY of Biddeford and
Senator: SNOWE-MELLO of Androscoggin, Representatives:
DAIGLE of Arundel, KOFFMAN of Bar Harbor, SAVIELLO of
Wilton.

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 Require Enforcement of the Low-emission Vehicle Program"

S.P. 59 L.D. 153

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Senator: TURNER of Cumberland,
Representatives: DUCHESNE of Hudson, McKENNEY of
Cumberland.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

Committee on **NATURAL RESOURCES** suggested and ordered
printed.

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

Bill "An Act To Change the Name of T8 SD to Fletchers Landing
Township"

S.P. 46 L.D. 140

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative CROSTHWAITE of Ellsworth
and Representatives: BARSTOW of Gorham, PINGREE of North
Haven, SCHATZ of Blue Hill.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require a 2/3 Vote of the Legislature To Enact or
Increase a Tax

S.P. 56 L.D. 150

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Senators: ANDREWS of York, COURTNEY of
York, Representative TARDY of Newport and Senators: CLUKEY
of Aroostook, HASTINGS of Oxford, NASS of York, ROSEN of
Hancock, Representatives: BOWLES of Sanford, CARR of
Lincoln, EDGECOMB of Caribou, THOMAS of Ripley.

Committee on **STATE AND LOCAL GOVERNMENT** suggested
and ordered printed.

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

Bill "An Act To Create a Senior Tax Rebate Program for
Established Residents"

S.P. 41 L.D. 135

Sponsored by Senator GAGNON of Kennebec.

Cosponsored by Representative PINEAU of Jay and Senators:
COWGER of Kennebec, PERRY of Penobscot, ROTUNDO of
Androscoggin, STRIMLING of Cumberland, Representatives:
CANAVAN of Waterville, FINCH of Fairfield, HUTTON of
Bowdoinham, TWOMEY of Biddeford.

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

Sent down for concurrence.

Bill "An Act To Repeal the Tax on Private Nonmedical Institutions"
(EMERGENCY)

S.P. 52 L.D. 146

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Senator DOW of Lincoln, Representatives:
BRYANT-DESCHENES of Turner, CRAVEN of Lewiston,
MAREAN of Hollis, McKANE of Newcastle, Representative
TARDY of Newport and Senators: HASTINGS of Oxford, NASS of
York, ROSEN of Hancock, WESTON of Waldo, WOODCOCK of
Franklin, Representatives: CARR of Lincoln, EDGECOMB of
Caribou, THOMAS of Ripley.

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

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

Resolve, To Provide Efficient Highway Access to Central Maine
Medical Services

S.P. 44 L.D. 138

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Senator: MITCHELL of Kennebec,
Representatives: CANAVAN of Waterville, FINCH of Fairfield,
MARRACHÉ of Waterville, THOMPSON of China.

Bill "An Act To Change the Oversight of the Maine Pilotage
Commission"

S.P. 58 L.D. 152

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative MARLEY of Portland.
Submitted by the Department of Transportation pursuant to Joint
Rule 204.

Resolve, To Direct the Department of Transportation To Build a
Truck Escape Ramp on Route 16

S.P. 61 L.D. 155

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (1/11/05) Assigned matter:

Bill "An Act To Increase the Adult Education State Subsidy by a Specific Percentage"

S.P. 38 L.D. 96

Tabled - January 11, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 35

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

January 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Elisabeth Biemann of New York, New York, for appointment as the Director of the Maine Technology Institute.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bromley of Cumberland, Dow of Lincoln, Hobbins of York
	Representatives	10	Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Crosby of Topsham, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Elisabeth Biemann of New York, New York, for appointment as the Director of the Maine Technology Institute be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#2)

YEAS: Senators: None

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

ABSENT: Senators: BRYANT, MILLS

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Elisabeth Biemann** of New York, New York, for appointment as the Director of the Maine Technology Institute was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Elisabeth Biemann. Would she please rise and accept the greetings of the Senate.

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

COMMUNICATIONS

The Following Communication: S.C. 36

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

January 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Business, Research and Economic Development has had under consideration the nomination of Dale McCormick of Augusta, for appointment as the Director of the Maine State Housing Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 3 Bromley of Cumberland, Dow of Lincoln, Hobbins of York
Representatives 10 Austin of Gray, Beaudette of Biddeford, Berube of Lisbon, Crosby of Topsham, Farrington of Gorham, Jacobsen of Waterboro, O'Brien of Lewiston, Rector of Thomaston, Robinson of Raymond, Smith of Monmouth

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dale McCormick of Augusta, for appointment as the Director of the Maine State Housing Authority be confirmed.

Signed,

S/Lynn Bromley
Senate Chair

S/Nancy E. Smith
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#3)

YEAS: Senators: ANDREWS, COURTNEY, DAVIS, HASTINGS, MARTIN, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, and 15 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **DENIED**.

(THE CHAIR ANNOUNCED THE VOTE FAILED IN ERROR. SEE ROLL CALL #4)

On motion by Senator **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby the nomination of Dale McCormick of Augusta for appointment as the Director of the Maine State Housing Authority **FAILED**.

On further motion by same Senator, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

NOMINATION - of Dale McCormick of Augusta, for appointment as the Director of the Maine State Housing Authority

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

Pending - **CONSIDERATION**

(In Senate, January 13, 2005, Communication (S.C. 36) from the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, READ and **ORDERED PLACED ON FILE**. The Committee's recommendation was **DENIED** (in error). On motion by Senator **MARTIN** of Aroostook, **RECONSIDERED** whereby the nomination **FAILED**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#4)

YEAS: Senators: **ANDREWS, COURTNEY, DAVIS, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WOODCOCK**

NAYS: Senators: **BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, WESTON, THE PRESIDENT - BETH G. EDMONDS**

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, and 13 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dale McCormick** of Augusta, for appointment as the Director of the Maine State Housing Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Dale McCormick. Would she please rise and accept the greetings of the Senate.

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 Give the Commissioner of Inland Fisheries and Wildlife the Authority To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State
S.P. 31 L.D. 89

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President.

(See action later today.)

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

ORDERS

Senate Order

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 18, 2005, at 10:00 in the morning.

On motion by Senator **MARTIN** of Aroostook, the following Senate Order:

S.O. 10

ORDERED, that the Secretary of the Senate shall procure for Senators and the Secretary of the Senate automobile registration plates that are similar in style to the plates issued for the Senators of the 121st Legislature to be provided to any Senator and the Secretary of the Senate who requests and pays for the plates.

READ.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **PASS**.

Off Record Remarks

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 **MARTIN** of Aroostook, the Senate **RECONSIDERED** whereby it **ENACTED** the following:

Emergency Measure

An Act To Give the Commissioner of Inland Fisheries and Wildlife the Authority To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State
S.P. 31 L.D. 89

(In House, January 13, 2005, **PASSED TO BE ENACTED**.)

(In Senate, January 13, 2005, **PASSED TO BE ENACTED**, in concurrence.)

This being an Emergency Measure and 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 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.

Off Record Remarks
