

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
Tuesday
January 18, 2005

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

Prayer by Pastor David Kelly of the Grace Bible Church of
Sangerville.

PASTOR KELLY: Thank you for the honor to make this prayer
before the Senate here this morning. Let us pray.

Our dear Heavenly Father, maker of heaven and earth, in
whom we live and move and have our being, we pause before our
meeting this morning to admit how much we need Your presence,
guidance, and understanding in the matters before us. We have
come from every corner of this state to represent our
constituencies and yet we carry our own opinions, values, and
agendas. We need You to help us know where we must
compromise and where we must draw the line. We need Your
guidance to sift through the options of what is good, better, and
best. We can't do this on our own strength or wisdom so we turn
to You. May You grant us diligence, patience, and grace as we
begin this session and please let this time be well spent to the
glory of God. This I pray in the name of our Lord, Jesus Christ.
Amen.

Pledge of Allegiance led by Senator David R. Hastings III of
Oxford County.

Doctor of the day, Dr. Kenneth Christian of Holden.

Reading of the Journal of Thursday, January 13, 2005.

PAPERS FROM THE HOUSE

House Papers

Resolve, To Support Long-term Forest Management and Sound
Silviculture

H.P. 111 L.D. 133

Bill "An Act To Support Animal Welfare"

H.P. 129 L.D. 178

Bill "An Act To Protect Dogs That Are Left Outside"

H.P. 155 L.D. 204

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

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

Bill "An Act To Authorize a General Fund Bond Issue for Stranded
Costs of Transmission and Distribution Utilities"

H.P. 29 L.D. 26

Bill "An Act To Provide Funding for the Applied Technology
Development Center System"

H.P. 125 L.D. 174

Bill "An Act To Enhance the Role of the Fogler Library as the
Research Library for the State of Maine"

H.P. 149 L.D. 198

Bill "An Act To Support and Expand Regional Teacher
Development Centers"

H.P. 150 L.D. 199

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 To Provide Funding for a Veterans' Cemetery in
Springvale"

H.P. 121 L.D. 170

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

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

Bill "An Act To Appropriate State Funds To Protect Potato
Farmland in Aroostook County from Blight and Other Diseases
That Could Occur with the 2004 Crop Unless Cull Potatoes Are
Dumped Properly" (EMERGENCY)

H.P. 131 L.D. 180

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

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

Off Record Remarks

Bill "An Act Requiring Internet Auction Registration"
H.P. 142 L.D. 191

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

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

Bill "An Act To Restrict Personal Benefit by Public Employees"
H.P. 145 L.D. 194

Comes 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 Prohibit Firearms in a Courthouse"
(EMERGENCY)
H.P. 117 L.D. 166

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

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

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

Bill "An Act To Provide Certain Students with Full Tuition for State Institutions of Higher Learning"
H.P. 137 L.D. 186

Bill "An Act To Delay Certain Educational Assessment Requirements"
H.P. 138 L.D. 187

Bill "An Act To Improve Teaching and Learning Conditions in Maine Schools"
H.P. 151 L.D. 200

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

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

Bill "An Act To Establish a Statewide Residency Requirement for General Assistance"
H.P. 119 L.D. 168

Bill "An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization"
H.P. 124 L.D. 173

Bill "An Act To Eliminate Limitations on Access to Medications under Certain State Programs"
H.P. 127 L.D. 176

Resolve, Requiring the Department of Health and Human Services To Reimburse Henrietta D. Goodall Hospital for 2002 MaineCare Costs
H.P. 132 L.D. 181

Bill "An Act To Provide Funding for Domestic Violence Shelters"
H.P. 133 L.D. 182

Bill "An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services"
H.P. 147 L.D. 196

Bill "An Act To Discontinue Transitional Child Care Services"
H.P. 152 L.D. 201

Bill "An Act To Make Changes to the ASPIRE-TANF Program"
H.P. 154 L.D. 203

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.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Support All-terrain Vehicle Clubs in Their Efforts To Mark Trails
H.P. 116 L.D. 165

Comes 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.

LEGISLATIVE RECORD - SENATE, TUESDAY, JANUARY 18, 2005

Bill "An Act Relating to the Definition of Indigenous Species"
H.P. 134 L.D. 183

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

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

Bill "An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates"

H.P. 20 L.D. 17

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

Bill "An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land"

H.P. 113 L.D. 162

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

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

Bill "An Act To Improve Prevailing Wage Standards in Maine"
H.P. 135 L.D. 184

Bill "An Act Relating to the Treatment of Employers and Military Personnel in Connection with 'Call to Duty' Activity"
H.P. 141 L.D. 190

Comes 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 Flexibility for Sea Urchin Zones"
H.P. 118 L.D. 167

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

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

Bill "An Act To Amend the Law on Mercury-added Products"
H.P. 136 L.D. 185

Bill "An Act To Strengthen Wildlife Habitat Protection"
H.P. 144 L.D. 193

Comes 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 Reduce Dependence on Fossil Fuels by Advancing Biodiesel Use"

H.P. 148 L.D. 197

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

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

Bill "An Act To Amend the Law Regarding Resale Certificates"
H.P. 120 L.D. 169

Bill "An Act To Increase the Homestead Property Tax Exemption"
H.P. 128 L.D. 177

Bill "An Act To Exempt Alternative Power Systems from Property Taxes"

H.P. 130 L.D. 179

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to Owners of Property Used for Commercial Fishing and Homestead Land
H.P. 140 L.D. 189

Bill "An Act To Conform the Maine Tax Code with the Federal Health Savings Accounts Laws"

H.P. 146 L.D. 195

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.

LEGISLATIVE RECORD - SENATE, TUESDAY, JANUARY 18, 2005

Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"

H.P. 109 L.D. 131

Bill "An Act To Amend the Law Governing Construction Flaggers"

H.P. 110 L.D. 132

Resolve, To Designate a Certain Intersection in Sidney as the Trooper Jeffrey S. Parola Memorial

H.P. 114 L.D. 163

Bill "An Act To Allocate Funds To Erect a Bridge between Madawaska and Pelletier Island in St. Agatha"

H.P. 122 L.D. 171

Bill "An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds"

H.P. 123 L.D. 172

Bill "An Act To Permit Logo Signs on the Maine Turnpike"

H.P. 126 L.D. 175

Bill "An Act To Clarify Matters Relating to the Offices of Secretary and Treasurer of the Maine Turnpike Authority"

H.P. 153 L.D. 202

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 Providing for Regulation of the Cable Television Industry by the Public Utilities Commission"

H.P. 156 L.D. 205

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
Commission to Study Public Health**

The **Commission to Study Public Health**, pursuant to Resolve 2003, chapter 95, sections 7 and 8 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission To Study Public Health"

H.P. 112 L.D. 134

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.

COMMUNICATIONS

The Following Communication: S.C. 38

**MAINE STATE LEGISLATURE
COMMISSION TO STUDY PUBLIC HEALTH**

January 12, 2005

The Honorable Beth Edmonds, President
Maine State Senate
The Honorable John Richardson, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2003, chapter 95, the Commission to Study Public Health 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,

Senator John L. Martin
Senate Chair

Representative Margaret M. Craven
House Chair

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

The Following Communication: H.C. 28

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

January 13, 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 Joint Rule 354, I have appointed the following Representatives to the Joint Select Committee on Joint Rules:

Representative Stan Gerzofsky of Brunswick, Chair
Representative Herbert Adams of Portland
Representative Emily Ann Cain of Orono
Representative Henry L. Joy of Crystal
Representative Philip A. Cressey, Jr. of Cornish

Sincerely,

S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

S.P. 81 L.D. 228

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative DUGAY of Cherryfield and Senator: DAMON of Hancock, Representatives: EMERY of Cutler, KAELIN of Winterport, McFADDEN of Dennysville, PERCY of Phippsburg.

Bill "An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities"

S.P. 83 L.D. 263

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative PERRY of Calais and Senator: BRENNAN of Cumberland, Representatives: CAIN of Orono, CUMMINGS of Portland, FISCHER of Presque Isle, MILLETT of Waterford.

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 Regulate Pharmaceutical Detailers"

S.P. 78 L.D. 225

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative PINGREE of North Haven and Senators: BRENNAN of Cumberland, ROSEN of Hancock, Representatives: GROSE of Woolwich, LEWIN of Eliot, WALCOTT of Lewiston, WEBSTER of Freeport.

Bill "An Act To Amend the Applied Technology Development Centers Statutes"

S.P. 79 L.D. 226

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative RECTOR of Thomaston and Senators: BRYANT of Oxford, DOW of Lincoln, Representatives: AUSTIN of Gray, BERUBE of Lisbon, FARRINGTON of Gorham. Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board"

S.P. 71 L.D. 218

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative: BLANCHETTE of Bangor. Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Improve the Child Welfare Ombudsman Function"

S.P. 72 L.D. 219

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Senator: SNOWE-MELLO of Androscoggin, Representative: FAIRCLOTH of Bangor. Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act To Support the Disclosure of Information to Relatives Who Are Likely To Provide Care to Children"

S.P. 73 L.D. 220

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative SHIELDS of Auburn and Senator: SNOWE-MELLO of Androscoggin. Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, Directing the Department of Health and Human Services
To Report on Certain MaineCare Practices
S.P. 82 L.D. 229

Sponsored by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative GLYNN of South Portland and
Senators: ROSEN of Hancock, WESTON of Waldo,
Representatives: CAMPBELL of Newfield, LEWIN of Eliot,
LINDELL of Frankfort, SHIELDS of Auburn, TRAHAN of
Waldoboro, VAUGHAN of Durham.

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

Sent down for concurrence.

Bill "An Act To Restrict Placement of Political Signs"
S.P. 74 L.D. 221

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Ban Automated Teller Machines from within 500
Feet of Slot Machine Facilities"
S.P. 80 L.D. 227

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative GLYNN of South Portland and
Senator: ANDREWS of York, Representatives: BRAUTIGAM of
Falmouth, PILON of Saco, SCHATZ of Blue Hill.

Bill "An Act To Establish Instant Run-off Voting"
S.P. 85 L.D. 265

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representatives: CUMMINGS of Portland,
MARLEY of Portland and Senators: BRENNAN of Cumberland,
DAMON of Hancock, MITCHELL of Kennebec, Representatives:
DUDLEY of Portland, FISHER of Brewer, PATRICK of Rumford,
PINGREE of North Haven.

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 Undedicate County Fees for Recording Deeds"
S.P. 75 L.D. 222

Sponsored by Senator PERRY of Penobscot.
Cosponsored by Representative BARSTOW of Gorham and
Senators: ANDREWS of York, DAMON of Hancock, SCHNEIDER
of Penobscot.

Bill "An Act To Create a Family Reunion Day in August"
S.P. 76 L.D. 223

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Senators: COWGER of Kennebec, DAVIS of
Piscataquis, WESTON of Waldo, Representatives: CANAVAN of
Waterville, CUMMINGS of Portland, MARRACHÉ of Waterville.

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

Sent down for concurrence.

Bill "An Act To Repeal the Property Tax Exemption for State and
Municipal Property"
S.P. 84 L.D. 264

Sponsored by Senator PERRY of Penobscot.

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

Sent down for concurrence.

Bill "An Act To Amend the Law Governing Student Rates on
Maine State Ferry Service Ferries"
S.P. 77 L.D. 224

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PINGREE of North Haven and
Senator: SAVAGE of Knox, Representatives: BOWEN of
Rockport, KOFFMAN of Bar Harbor, MAZUREK of Rockland,
MERRILL of Appleton.
Submitted by the Department of Transportation pursuant to Joint
Rule 204.

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.

ORDERS

Senate Order

On motion by Senator **MILLS** of Somerset, the following Senate
Order:

S.O. 11

ORDERED, that the Senate Rules be amended by adding a new
Senate Rule 524 to read:

Rule 524. Expenditures in excess of spending limit. Any bill or resolve that requires an expenditure that exceeds any expenditure or spending limit set forth in the Maine Revised Statutes may not be passed except by a vote of 2/3 of the Senate.

READ.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **MILLS** of Somerset to **PASS**.

Off Record Remarks

Joint Order

On motion by Senator **MILLS** of Somerset, the following Joint Order:

S.P. 69

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 219 to read:

Rule 219. Expenditures in excess of spending limit. Any bill or resolve that requires an expenditure that exceeds any expenditure or spending limit set forth in the Maine Revised Statutes may not be passed except by a vote of 2/3 of both chambers.

READ.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the **JOINT SELECT COMMITTEE ON JOINT RULES**.

Sent down for concurrence.

Joint Resolution

On motion by Senator **MAYO** of Sagadahoc (Cosponsored by Representative **WATSON** of Bath and Representatives: **GROSE** of Woolwich, **PERCY** of Phippsburg), the following Joint Resolution:

S.P. 70

**JOINT RESOLUTION COMMEMORATING
THE 100TH ANNIVERSARY OF
THE BATH LODGE OF ELKS**

WHEREAS, the Bath Lodge of Elks, B.P.O.E. #934, was established on November 11, 1904 by the famous Maine writer of that era, Holman F. Day, who was then District Deputy Grand Exalted Ruler of Maine West. The Lewiston Lodge of Elks and officers from the Lewiston, Waterville and Portland lodges organized and installed the first officers of the Bath Lodge on this date; and

WHEREAS, the Bath Lodge's first home was on the Huse property on Lambard Street, where it remained until 1967, when the Lodge purchased the Torrey Roller Brush Factory property, which was renovated and remodeled to become the Lodge's present home; and

WHEREAS, in 1907, the Bath Lodge of Elks was incorporated as a charitable organization and became the Mother Lodge of the newly established Rockland Lodge of Elks; and

WHEREAS, the Bath Lodge of Elks is part of the greatest and largest fraternal organization in the United States, with almost 2,200 local lodges and 1.3 million members dedicated to the Principles of Elkdom: Charity, Justice, Brotherly Love and Fidelity; and

WHEREAS, each year the Bath Lodge of Elks grew and gained membership so that, by the 75th anniversary of the Lodge, there were approximately 1,000 members. In 1994 membership was opened to women; and

WHEREAS, over the 100 years of its existence, the Bath Lodge of Elks has contributed major funds to the community, including funds for the new Bath Memorial Hospital, which was also presented with an Iron Lung and furnished with a private room and a semiprivate room in the hospital; and

WHEREAS, the Bath Lodge also proudly participates in the Elks National Foundation scholarship programs, generously contributing annually to this great philanthropy, and is committed to the Elks National Service Commission, which assists members of the United States Armed Forces in the many veterans hospitals throughout the country; and

WHEREAS, the Bath Lodge of Elks exemplifies the good works and donations of this venerable fraternal organization by contributing to and serving local and state organizations such as the Muscular Dystrophy Association, veterans programs, drug awareness programs and the Maine Children's Cancer Fund; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to express our appreciation to the members of the Bath Lodge of Elks for their patriotic, fraternal, charitable and civic contributions to the community of Bath and to the State of Maine, and we extend our congratulations and best wishes to the Lodge on this Centennial Celebration; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Bath Lodge of Elks with our sincere gratitude for all that they have accomplished these past 100 years.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO**: Thank you, Madame President. As a life member of the Bath Lodge of Elks, I am very happy to present this Joint Resolution this morning and at an appropriate time I will present the same to the Bath Lodge of Elks, which is celebrating its hundredth anniversary.

On further motion by same Senator, **ADOPTED**.

Sent down for concurrence.

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

John J. Jolicoeur, of Augusta, beloved husband of Ruth (Roy) Jolicoeur. Mr. Jolicoeur was awarded a Bronze Star for his service during the Vietnam War and recently retired after 33 years of service to the State of Maine. He began his public service with the Public Utilities Commission and worked for 28 years for the Workers' Compensation Board, retiring as a Deputy Director. In 1978, he received the prestigious James B. Longley Award in recognition of his outstanding contributions as a Maine State Government employee. Mr. Jolicoeur was a communicant of St. Augustine Catholic Church and a member of the Calumet Club. He was elected president of the Kennebec Valley Federal Credit Union in 1981 and served on its board of directors for several years. Mr. Jolicoeur will be greatly missed by his loving family and many friends;

SLS 54

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representatives: DAVIS of Augusta, LERMAN of Augusta, BROWNE of Vassalboro.

READ.

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

Senator **MARTIN**: Thank you, Madame President. As you've noticed, the Senator from Kennebec, Senator Mitchell, is unavoidably absent this morning and asked that I make the presentation this morning to Ruth Jolicoeur. It is my pleasure, since I worked for many years with him and with Workers' Compensation. It was the most famous issue that we all loved to deal with, I think, from time to time. If you notice, he worked for 33 years with the state, 28 years of those were with the commission. I can't think of a more horrible job in state government. Over the years all of us have had to deal with Workers' Comp and those issues. He was involved during the time when we had the shut down. He was representing, obviously, the commission during that period. He always did it with a smile. I never understood why because some of us weren't smiling. He was always there to say, 'this is how you do it' and making suggestions. He will certainly be missed by the commission and missed not only by his family but also by all of us. I am pleased, on behalf of the Senator from Kennebec, Senator Mitchell, to make this presentation to the family members

that are here today. I would like, Madame President, your approval to make this presentation to Ruth Jolicoeur.

ADOPTED.

Sent down for concurrence.

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 (1/13/05) Assigned matter:

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

Tabled - January 13, 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 **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/13/05) Assigned matter:

Bill "An Act To Require Enforcement of the Low-emission Vehicle Program"
S.P. 59 L.D. 153

Tabled - January 13, 2005, by Senator **COWGER** of Kennebec

Pending - **REFERENCE**

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

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **TRANSPORTATION**.

Sent down for concurrence.

LEGISLATIVE RECORD - SENATE, TUESDAY, JANUARY 18, 2005

The Chair laid before the Senate the following Tabled and Later (1/13/05) Assigned matter:

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

Tabled - January 13, 2005, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

Senator **SCHNEIDER** of Penobscot moved to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Senator **COURTNEY** of York **OBJECTED** to the motion by Senator **SCHNEIDER** of Penobscot to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **SCHNEIDER** of Penobscot to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**.

The Chair laid before the Senate the following Tabled and Later (1/13/05) Assigned matter:

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

S.P. 52 L.D. 146

Tabled - January 13, 2005, by Senator **PERRY** of Penobscot

Pending - **REFERENCE**

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

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

Sent down for concurrence.

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

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

H.P. 86 L.D. 110

Tabled - January 13, 2005, by Senator **MAYO** of Sagadahoc

Pending - **REFERENCE**

(In House, January 11, 2005, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.)

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program"

S.P. 93 L.D. 273

Sponsored by Senator **BRENNAN** of Cumberland.
Cosponsored by President **EDMONDS** of Cumberland and Senators: **NUTTING** of Androscoggin, **ROTUNDO** of Androscoggin, Representatives: **CANAVAN** of Waterville, **DUDLEY** of Portland, **PARADIS** of Frenchville, **WALCOTT** of Lewiston.

Bill "An Act To Raise the University of Maine System Debt Ceiling"

S.P. 94 L.D. 274

Sponsored by Senator **TURNER** of Cumberland.
Cosponsored by Representative **McKENNEY** of Cumberland and Senators: **BRENNAN** of Cumberland, **SCHNEIDER** of Penobscot, **WOODCOCK** of Franklin, Representatives: **CAIN** of Orono, **DAVIS** of Falmouth.

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 Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board"

S.P. 87 L.D. 267

Sponsored by Senator **HASTINGS** of Oxford.
Cosponsored by Representative **HAMPER** of Oxford and Senators: **DOW** of Lincoln, **HOBBS** of York, **RAYE** of Washington, Representatives: **ROBINSON** of Raymond, **HANLEY** of Paris, **MILLETT** of Waterford, **MUSE** of Fryeburg.

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**.

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

SENATE PAPERS

Bill "An Act To Ensure That All Providers of MaineCare Services Are Maine-based Businesses"

S.P. 86 L.D. 266

Sponsored by Senator **ANDREWS** of York.
Cosponsored by Representative **LEWIN** of Eliot and Senators: **MAYO** of Sagadahoc, **SNOWE-MELLO** of Androscoggin, Representatives: **McKENNEY** of Cumberland, **WHEELER** of Kittery.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Allow Electronic Calling Devices for Hunting"

S.P. 88 L.D. 268

Sponsored by Senator **PLOWMAN** of Penobscot.
Cosponsored by Representatives: **BROWNE** of Vassalboro, **CARR** of Lincoln, **TARDY** of Newport.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Reduce the Minimum Participation Requirements of Insurance Carriers"

S.P. 89 L.D. 269

Sponsored by Senator **PLOWMAN** of Penobscot.
Cosponsored by Representative **GLYNN** of South Portland and Senators: **MILLS** of Somerset, **RAYE** of Washington, **SNOWE-MELLO** of Androscoggin, **SULLIVAN** of York, Representatives: **FAIRCLOTH** of Bangor, **ROSEN** of Bucksport, **TARDY** of Newport.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills"

S.P. 91 L.D. 271

Sponsored by Senator **COWGER** of Kennebec.
Cosponsored by Representative **KOFFMAN** of Bar Harbor and Senator: **ANDREWS** of York, Representatives: **McFADDEN** of Dennysville, **SAMPSON** of Auburn, **SCHATZ** of Blue Hill, **THOMPSON** of China.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Provide an Exemption from Discrimination Laws to Fitness Centers"

S.P. 92 L.D. 272

Sponsored by Senator **SNOWE-MELLO** of Androscoggin.
Cosponsored by Representative **LUNDEEN** of Mars Hill, Senator **DAVIS** of Piscataquis and Senators: **ANDREWS** of York, **NUTTING** of Androscoggin, **PERRY** of Penobscot, **PLOWMAN** of Penobscot, **RAYE** of Washington, Representatives: **LANSLEY** of Sabattus, **MAKAS** of Lewiston, **SHIELDS** of Auburn.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Promote Energy Conservation and a Cleaner Environment"

S.P. 95 L.D. 275

Sponsored by Senator COURTNEY of York.
Cosponsored by Senator STRIMLING of Cumberland,
Representative BLISS of South Portland and Senators: NASS of York, PERRY of Penobscot, WOODCOCK of Franklin,
Representatives: BIERMAN of Sorrento, COLLINS of Wells, FLETCHER of Winslow, TUTTLE of Sanford, WHEELER of Kittery.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Provide Fair and Equitable Local Calling Service for the People of the State"

S.P. 96 L.D. 276

Sponsored by Senator COURTNEY of York.
Cosponsored by Representative NASS of Acton and Senator: NASS of York, Representatives: BURNS of Berwick, GERZOFISKY of Brunswick.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Prohibit Same-day Voter Registration"

S.P. 90 L.D. 270

Sponsored by Senator COURTNEY of York.
Cosponsored by Senator TURNER of Cumberland,
Representative HOTHAM of Dixfield and Senator: PLOWMAN of Penobscot, Representatives: BIERMAN of Sorrento, BOWLES of Sanford, McCORMICK of West Gardiner, SEAVEY of Kennebunkport.

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

Sent down for concurrence.

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

Off Record Remarks

Senator **MARTIN** of Aroostook 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.

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

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, January 19, 2005, at 10:00 in the morning.