

# 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  
February 10, 2005

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

Prayer by Reverend Dr. David V. Calhoun of the West  
Scarborough United Methodist Church.

**REVEREND CALHOUN:** Most Sovereign God, to You belong all realms, all power, and all glory, yet You delegate the power of temporal leadership to Your creatures. In this nation you have given us the freedom to establish our own government, to oversee the welfare of our land and the many people it supports. Today we pray for those whom we, the people, have chosen to lead our country. It is not easy for them to lead such a diverse people whose many wants cannot all be satisfied. It is not easy to discern which actions will produce the greatest good for the greatest number. It is not easy to withstand the huge personal temptations that come with such power. It is not easy to bear the extraordinary pressures in the complex world of politics. Assist our elected leaders and bless them with the stamina, the toughness, and the integrity to fight for what is right and honorable in Your sight. Grant our nation a succession of lawmakers and executives who have learned how to do justice, love mercy, and walk humbly before You. Protect them from losing their wits, their nerves, or their souls in the heady atmosphere of our state, national, and international affairs so that we, the people, may flourish in a land blessed with liberty, peace, and justice. Protect our leaders from greedy partisanship. Grant our Senators and Representatives the will and character to work for the good of the whole people, not simply for the benefit of those in a position to ask favors or to force concessions. Help us, as citizens, to bear our share of the burden of democratic government. Make us love peace and fair dealing. Moderate our political passions with calmness and self-control. Allow us to see situations from the point of view of others, that we may discern what is the common good. Equip all civil servants with sound understanding, farsighted planning, and personal integrity. Enable them to rise above petty power, and through Your wise leadership, the welfare of our people may be assured and peace maintained in home and among nations of the world. Hear our prayers, oh God, and stir us to appropriate action. Amen.

Reading of the Journal of Tuesday, February 8, 2005.

Out of order and under suspension of the Rules, on motion by  
Senator **BRENNAN** of Cumberland, the following Joint Order:  
S.P. 223

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 15, 2005, at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Reduce School Truancy"  
H.P. 370 L.D. 495

Committee on **EDUCATION AND CULTURAL AFFAIRS**  
suggested and ordered printed.

In House, February 1, 2005, **REFERRED** to the Committee on  
**TRANSPORTATION.**

In Senate, February 3, 2005, **REFERRED** to the Committee on  
**EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in  
**NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED.**

On motion by Senator **MITCHELL** of Kennebec, the Senate  
**RECEDED** and **CONCURRED.**

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**House Papers**

Bill "An Act To Recognize the Importance of Forestry"  
H.P. 473 L.D. 640

Comes 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.

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Bill "An Act To Provide Funding towards the Employment of a  
Demersal Finfish Ecologist by the Gulf of Maine Research  
Institute"

H.P. 455 L.D. 622

Bill "An Act To Authorize a General Fund Bond Issue To  
Construct a Freshwater Aquaculture and Freshwater Species  
Biotechnology Center"

H.P. 469 L.D. 636

Bill "An Act To Authorize a General Fund Bond Issue To Rebuild  
the Historic Pier at Fort Preble"

H.P. 472 L.D. 639

Bill "An Act To Reduce the Size of State Government by 5%"  
H.P. 483 L.D. 663

Bill "An Act To Authorize a General Fund Bond Issue To Provide Infrastructure for Expanded Treatment Capacity for Alcoholism and Addiction in a Therapeutic Community Model"  
H.P. 489 L.D. 669

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.

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Bill "An Act To Relieve Small Payroll Companies from Excessive Regulation" (EMERGENCY)  
H.P. 466 L.D. 633

Bill "An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures"  
H.P. 481 L.D. 661

Bill "An Act To Require Agricultural Representation on the Maine Tourism Commission"  
H.P. 493 L.D. 673

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

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

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Bill "An Act To Require Background Checks on All Camp Employees"  
H.P. 452 L.D. 619

Bill "An Act To Protect Public Safety and Help Offenders Return Safely to the Community"  
H.P. 471 L.D. 638

Bill "An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers"  
H.P. 490 L.D. 670

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

Bill "An Act To Ensure Accommodation of Students with Disabilities or Illnesses in the University of Maine System and the Maine Community College System"  
H.P. 436 L.D. 603

Bill "An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted"  
H.P. 457 L.D. 624

Resolve, Directing the Department of Education To Clarify Graduation Requirements for Special Education Students  
H.P. 485 L.D. 665

Bill "An Act To Require Approval of Voters before Closing a School"  
H.P. 486 L.D. 666

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

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

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Bill "An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments"  
H.P. 442 L.D. 609

Bill "An Act Regarding Possession of Prescription Drugs"  
H.P. 463 L.D. 630

Bill "An Act Allowing for a Contracted Case Manager in Certain Child Welfare Cases"  
H.P. 475 L.D. 655

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.

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Bill "An Act To Authorize the Transfer of Hunting Permits"  
H.P. 445 L.D. 612

Bill "An Act To Amend the Bear Hunting Laws"  
H.P. 461 L.D. 628

Bill "An Act To Allow the Taking of Another Deer by Persons Who Take a Deer on Youth Day"  
H.P. 480 L.D. 660

Bill "An Act To Control Fish Stocking in Inland Waters"  
H.P. 484 L.D. 664

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

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

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Bill "An Act Regarding Divorce and Marital Property"  
H.P. 454 L.D. 621

Bill "An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation"  
H.P. 460 L.D. 627

Bill "An Act To Amend the Land Use Regulation Laws"  
H.P. 488 L.D. 668

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

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

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Bill "An Act To Allow for Equitable Recovery of Wages for Employees Who Are Undercompensated"  
H.P. 479 L.D. 659

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

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

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Bill "An Act To Strengthen Tenants' Rights When There Is a Failure To Correct a Dangerous Condition"  
H.P. 444 L.D. 611

Bill "An Act To Limit Out-of-state Contributions to Organizations In a Referendum Campaign"  
H.P. 450 L.D. 617

Bill "An Act To Ensure Participation by Voters with Disabilities in the Electoral Process"  
H.P. 456 L.D. 623

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

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

Bill "An Act To Clarify the Liquor Enforcement Laws"  
H.P. 453 L.D. 620

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

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

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

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Bill "An Act To Enhance Community Support for Anadromous Fish Restoration"  
H.P. 462 L.D. 629

Come 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.

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Resolve, Regarding Nonnative Invasive Marine Species  
H.P. 487 L.D. 667

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

Come from the House, **REFERRED** to the Committee on **NATURAL RESOURCES**.

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

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Bill "An Act Regarding New Motor Vehicle Emission Standards Rulemaking"  
H.P. 448 L.D. 615

Bill "An Act To Amend the Maine Sanitary District Enabling Act"  
H.P. 468 L.D. 635

Bill "An Act To Protect Maine's Natural Resources for Maine Residents"  
H.P. 478 L.D. 658

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

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

Bill "An Act To Establish a Maine Law Sunset Review Committee" (EMERGENCY)

H.P. 464 L.D. 631

Bill "An Act To Provide a Method of Self-governance to Unorganized Areas"

H.P. 491 L.D. 671

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

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

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Bill "An Act To Promote Parental Responsibility When Minors Make Use of Public Libraries"

H.P. 451 L.D. 618

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

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

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Bill "An Act To Encourage More Dentists To Practice in the State"

H.P. 443 L.D. 610

Bill "An Act To Provide Tax Incentives to Small Businesses That Employ At Least One Person"

H.P. 446 L.D. 613

Bill "An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner"

H.P. 459 L.D. 626

Bill "An Act To Lower the Tax Burden for Small Businesses"

H.P. 465 L.D. 632

Bill "An Act To Promote Ornamental Horticulture by Amending the Definition of 'Commercial Agricultural Production'"

H.P. 492 L.D. 672

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

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

Bill "An Act To Eliminate the Rebate Process for Refunding the State Gas Tax"

H.P. 447 L.D. 614

Bill "An Act To Alter Wrecker Registrations"

H.P. 449 L.D. 616

Bill "An Act To Amend the Electronic Insurance Cancellation Notification Law" (EMERGENCY)

H.P. 467 L.D. 634

Bill "An Act To Amend the Vehicle Gross and Axle Weight Laws"

H.P. 477 L.D. 657

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.

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Bill "An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding"

H.P. 470 L.D. 637

Bill "An Act To Revise the Salary Range of Certain Public Utilities Commission Employees"

H.P. 476 L.D. 656

Bill "An Act To Limit Increases in Telephone or Electric Service Rates to a Maximum of 3% Annually"

H.P. 482 L.D. 662

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.

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**Pursuant to Statute  
Department of Environmental Protection**

The **Department of Environmental Protection**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams, Major Substantive Rules of the Department of Environmental Protection (EMERGENCY)

H.P. 458 L.D. 625

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

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

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

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 57

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

February 7, 2005

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

Dear Secretary O'Brien:

Pursuant to our authority under Title 12, MRSA, Chapter 419, §4652, we are pleased to reappoint Senator Dennis Damon of Hancock to the Atlantic States Marine Fisheries Commission.

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

Sincerely,

S/Beth Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 58

**MAINE STATE LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
AUGUSTA, MAINE 04333**

January 31, 2005

The Honorable Beth G. Edmonds  
President of the Senate of Maine  
The Honorable John Richardson  
Speaker of the House  
122nd Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear President Edmonds and Speaker Richardson:

In accordance with 5 M.R.S.A. § 7502, the Joint Standing Committee on State and Local Government has had under consideration the following appointments by the Governor to the Maine Commission for Community Service: Peter Crockett of Chelsea, Alvin Smith of Bath, Paula Gagnon of Wells, Edward Schlutt, Jr. of Lincoln, Carol Anne Dube of Fort Kent, Glenn Curry of Knox, Art Cleaves of Wayne and Christine Force of Portland..

After discussion on these appointments, the Committee proceeded to vote on the motion to approve, with the following result:

YEAS Senators	3	Andrews of York, Rotundo of Androscoggin, Schneider of Penobscot
Representatives	10	Barstow of Gorham, Bishop of Boothbay, Crosthwaite of Ellsworth, Harlow of Portland, McFadden of Dennysville, Moulton of York, Muse of Fryeburg, Sampson of Auburn, Schatz of Blue Hill, Twomey of Biddeford

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 appointments to the Maine Commission for Community Service be approved.

Signed,

S/Elizabeth M. Schneider  
Senate Chair

S/Christopher R. Barstow  
House Chair

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 59

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

February 8, 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 Judiciary has had under consideration the nomination of Jadine R. O'Brien of Portland, for reappointment to the Maine Human Rights Commission.

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, Hasting of Cumberland, Hobbins of York
Representatives	9	Bryant of Windham, Bryant- Deschene of Turner, Canavan of Waterville, Carr of Lincoln, Faircloth of Bangor, Gerzofsky of Brunswick, Nass of Acton, Pelletier-Simpson of Auburn, Sherman of Hodgdon
NAYS	0	
ABSENT	1	Rep. Dunn of Bangor

Twelve 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 Jadine R. O'Brien of Portland, for reappointment to the Maine Human Rights Commission be confirmed.

Signed,

S/Barry J. Hobbins  
 Senate Chair

S/Deborah Pelletier-Simpson  
 House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#19)

**YEAS: Senators: None**

**NAYS: Senators: BARTLETT, BRENNAN, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBSINS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

**ABSENT: Senators: ANDREWS, BROMLEY, BRYANT, GAGNON, PERRY, PLOWMAN**

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 6 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 **Jadine R. O'Brien** of Portland, for reappointment to the Maine Human Rights Commission was **CONFIRMED**.

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

The Following Communication: S.C. 60

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

February 8, 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 Judiciary has had under consideration the nomination of Kristin L. Aiello of Hallowell, for appointment to the Maine Human Rights Commission.

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,  
Hasting of Cumberland,  
Hobbins of York

Representatives 9 Bryant of Windham, Bryant-  
Deschene of Turner,  
Canavan of Waterville, Carr  
of Lincoln, Faircloth of  
Bangor, Gerzofsky of  
Brunswick, Nass of Acton,  
Pelletier-Simpson of Auburn,  
Sherman of Hodgdon

NAYS 0

ABSENT 1 Rep. Dunn of Bangor

Twelve 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 Kristin L. Aiello of Hallowell, for appointment to the Maine Human Rights Commission be confirmed.

Signed,

S/Barry J. Hobbins  
Senate Chair

S/Deborah Pelletier-Simpson  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#20)

**YEAS: Senators: None**

**NAYS: Senators: BARTLETT, BRENNAN, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBSINS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

**ABSENT: Senators: ANDREWS, BROMLEY, BRYANT, GAGNON, PERRY**

No Senator having voted in the affirmative and 30 Senators having voted in the negative, with 5 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 **Kristin L. Aiello** of Hallowell, for appointment to the Maine Human Rights Commission 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 Kristin L. Aiello of Hallowell. Would she please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 61

**STATE OF MAINE  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

January 13, 2005

John Fitzsimmons, President  
Maine Community College System  
131 State House Station  
Augusta, Maine 04333

Dear President Fitzsimmons:

We are pleased to invite you to address a Joint Session of the 122<sup>nd</sup> Maine Legislature on Tuesday, February 15, 2005 at 11:00 a.m. concerning the State of the Maine Community College System and any other matters that you may care to bring to our attention.

On the same day, following your address, Joseph Westphal, Chancellor of the University of Maine System, will be addressing the Joint Convention.

We look forward to seeing you then.

Sincerely,

S/Beth G. Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 62

**STATE OF MAINE  
MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

January 13, 2005

Joseph Westphal, Chancellor  
University of Maine System  
P.O. Box 409  
Bangor, ME 04402-0409

Dear Chancellor Westphal:

We are pleased to invite you to address a Joint Session of the 122<sup>nd</sup> Maine Legislature on Tuesday, February 15, 2005 concerning the State of the University of Maine System and any other matters that you may care to bring to our attention. We will begin the Joint Session at 11:00 a.m. with an address from John Fitzsimmons, President of the Maine Community College System. You will address the Joint Convention directly following the President.

We look forward to seeing you then.

Sincerely,

S/Beth G. Edmonds  
President of the Senate

S/John Richardson  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 63

**MAINE COMMUNITY COLLEGE SYSTEM  
OFFICE OF THE PRESIDENT  
323 STATE STREET  
AUGUSTA, MAINE 04330-7131**

The Honorable Beth G. Edmonds  
President of the Senate  
122<sup>nd</sup> Maine Legislature  
3 State House Station  
Augusta, Maine 04333-0003

The Honorable John Richardson  
Speaker of the House  
122<sup>nd</sup> Maine Legislature  
2 State House Station  
Augusta, Maine 04333-0002

Dear President Edmonds and Speaker Richardson:

Thank you for your letter of January 13, 2005, inviting me to address a Joint Session of the 122<sup>nd</sup> Maine Legislature on Tuesday, February 15<sup>th</sup>. On behalf of Maine's Community College trustees, employees and students, it is with great pride that I accept your kind invitation. I look forward to sharing with you my thoughts on the state of the Maine Community College System.

Thank you again for your invitation.

Sincerely yours,

S/John Fitzsimmons  
President

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 64

**UNIVERSITY OF MAINE SYSTEM  
OFFICE OF THE CHANCELLOR  
107 MAINE AVENUE  
BANGOR, MAINE 04401-4380**

The Honorable Beth G. Edmonds  
President of the Senate  
122<sup>nd</sup> Maine Legislature  
State of Maine  
Augusta, Maine 04333

The Honorable John Richardson  
Speaker of the House  
122<sup>nd</sup> Legislature  
State of Maine  
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Thank you for your January 13, 2005 invitation to address a Joint Session of the 122<sup>nd</sup> Maine Legislature on Tuesday, February 15, 2005 on the topic of the state of the University of Maine System. I accept your invitation and am grateful to have the opportunity.

As you know from your direct involvement and leadership in higher education policy matters, the University of Maine System plays a strong and influential role in Maine's economy and quality of life. More than ever, Maine depends on the programs and potential of our universities' teaching, research, and public service outreach missions. We do it in many ways: by graduating nearly 5,000 individuals annually who use their university education to enhance their careers and personal lives; by partnering with the State, the Federal government, and the private sector to address policy needs and to promote economic development; and by serving the needs of families, communities, businesses, and industries through public service and outreach. Maine people receive a tremendous benefit from the tax dollars and tuition dollars they invest in their universities and in themselves.

Thank you again for the invitation. I look forward to addressing the 122<sup>nd</sup> Maine Legislature on February 15. I offer my sincere best wishes as you work to lead Maine in positive directions.

Sincerely,

S/Joseph W. Westphal, Ph.D.  
Chancellor

**READ and ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Authorize a General Fund Bond Issue for the Downeast Institute for Applied Marine Research and Education"  
S.P. 251 L.D. 753

Sponsored by Senator RAYE of Washington.  
Cosponsored by Senator DAMON of Hancock, Representative DUGAY of Cherryfield and Senators: ANDREWS of York, DOW of Lincoln, Representatives: EMERY of Cutler, KAELIN of Winterport, McFADDEN of Dennysville, PERCY of Phippsburg, PERRY of Calais, RECTOR of Thomaston.

Bill "An Act To Issue a General Fund Bond Issue for the Challenger Learning Center of Maine"  
S.P. 252 L.D. 754

Sponsored by Senator PERRY of Penobscot.  
Cosponsored by Representative NORTON of Bangor and Senators: President EDMONDS of Cumberland, ROSEN of Hancock, SCHNEIDER of Penobscot, Representatives: FAIRCLOTH of Bangor, ROSEN of Bucksport.

Bill "An Act To Authorize a General Fund Bond Issue for Fort Knox"  
S.P. 253 L.D. 755

Sponsored by Senator WESTON of Waldo.  
Cosponsored by Senator: ROSEN of Hancock, Representatives: LINDELL of Frankfort, TWOMEY of Biddeford.

Bill "An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy"  
S.P. 254 L.D. 756

Sponsored by President EDMONDS of Cumberland.  
Cosponsored by Representative RECTOR of Thomaston and Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, HOBBS of York, MITCHELL of Kennebec, RAYE of Washington, ROTUNDO of Androscoggin, SULLIVAN of York, Representative: CUMMINGS of Portland.

Bill "An Act To Authorize a General Fund Bond Issue To Promote Affordable Workforce Housing"  
S.P. 255 L.D. 757

Sponsored by Senator BRENNAN of Cumberland.  
Cosponsored by Representative LERMAN of Augusta, Representative DUDLEY of Portland and Senators: DAMON of Hancock, DIAMOND of Cumberland, President EDMONDS of Cumberland, Representatives: CUMMINGS of Portland, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, MARLEY of Portland, Speaker RICHARDSON of Brunswick.

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

Sent down for concurrence.

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Bill "An Act To Exempt from License Fees Small Businesses That Collect Returnable Bottles"  
S.P. 226 L.D. 689

Sponsored by Senator STRIMLING of Cumberland.

Bill "An Act To Clarify Reporting Responsibilities to Licensing Boards"  
S.P. 234 L.D. 697

Sponsored by Senator HOBBS of York.  
Cosponsored by Representative SMITH of Monmouth and Senator: SULLIVAN of York, Representative: MARRACHÉ of Waterville.  
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act To Clarify the Authority of Podiatrists To Use Assistants" (EMERGENCY)  
S.P. 248 L.D. 750

Sponsored by Senator BROMLEY of Cumberland.  
Cosponsored by Representative O'BRIEN of Lewiston and Senators: DAMON of Hancock, SULLIVAN of York, Representative: BERUBE of Lisbon.

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

Sent down for concurrence.

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Bill "An Act To Postpone the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund"  
S.P. 240 L.D. 742

Sponsored by Senator TURNER of Cumberland.  
Cosponsored by Representative SHIELDS of Auburn and Senator: MAYO of Sagadahoc, Representative: MARRACHÉ of Waterville.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

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Bill "An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians"  
S.P. 230 L.D. 693

Sponsored by Senator CLUKEY of Aroostook. (BY REQUEST)  
Cosponsored by Representative SHERMAN of Hodgdon and Senator: DAVIS of Piscataquis, Representative: JOY of Crystal.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to  
the Committee on **JUDICIARY**.

Sent down for concurrence.

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Bill "An Act To Ensure Access to Swing Beds in Hospitals"  
S.P. 225 L.D. 688

Sponsored by Senator **DOW** of Lincoln.  
Cosponsored by Representative **TRAHAN** of Waldoboro and  
Representative: **BISHOP** of Boothbay.

Bill "An Act To Restore Fair MaineCare Payments to Critical  
Access Hospitals" (EMERGENCY)  
S.P. 231 L.D. 694

Sponsored by Senator **DAVIS** of Piscataquis.  
Cosponsored by Representative **AUSTIN** of Gray and Senators:  
**HASTINGS** of Oxford, **NASS** of York, **SAVAGE** of Knox,  
**TURNER** of Cumberland, **WESTON** of Waldo, **WOODCOCK** of  
Franklin, Representatives: **PINKHAM** of Lexington Township,  
**ROSEN** of Bucksport.

Bill "An Act To Designate the Department of Health and Human  
Services as the Official State Agency Responsible for Programs  
for Persons Affected by Brain Injury"  
S.P. 239 L.D. 741

Sponsored by Senator **MARTIN** of Aroostook.  
Cosponsored by Senators: **MAYO** of Sagadahoc, **ROSEN** of  
Hancock, Representatives: **PINGREE** of North Haven, **WALCOTT**  
of Lewiston.

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

Sent down for concurrence.

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Bill "An Act To Streamline the Appeals Process for the  
Determination of Certain Health Insurance Benefits"  
S.P. 241 L.D. 743

Sponsored by Senator **MAYO** of Sagadahoc.  
Cosponsored by Representative **PERRY** of Calais and Senators:  
**MILLS** of Somerset, **SULLIVAN** of York, Representative:  
**MARRACHÉ** of Waterville.

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 Requiring Equal Retirement Benefits for Corrections  
Officers and Mental Health Workers with 25 Years of State  
Service"

S.P. 246 L.D. 748

Sponsored by Senator **GAGNON** of Kennebec.  
Cosponsored by Representative **DUPLESSIE** of Westbrook and  
Senators: President **EDMONDS** of Cumberland, **STRIMLING** of  
Cumberland, Representative: **CUMMINGS** of Portland.

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

Sent down for concurrence.

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Bill "An Act To Limit the Political Activity of the Members of the  
Commission on Governmental Ethics and Election Practices"  
S.P. 247 L.D. 749

Sponsored by Senator **GAGNON** of Kennebec.  
Cosponsored by Senator: **TURNER** of Cumberland,  
Representative: **FISHER** of Brewer.

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

Sent down for concurrence.

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Bill "An Act To Provide Public Health Protection Authority to the  
Department of Marine Resources"  
S.P. 228 L.D. 691

Sponsored by Senator **DAMON** of Hancock.  
Cosponsored by Representatives: **KOFFMAN** of Bar Harbor, **OTT**  
of York, **PINGREE** of North Haven.  
Submitted by the Department of Marine Resources pursuant to  
Joint Rule 204.

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

Sent down for concurrence.

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Bill "An Act To Require That Hazardous Waste Be Removed from  
Junked Vehicles"  
S.P. 229 L.D. 692

Sponsored by Senator **NASS** of York.

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

Sent down for concurrence.

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Bill "An Act Regarding Constitutional Officers"  
S.P. 232 L.D. 695

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative BOWLES of Sanford and  
Representatives: ANNIS of Dover-Foxcroft, AUSTIN of Gray,  
CARR of Lincoln, CRESSEY of Cornish, JOY of Crystal, LEWIN  
of Eliot, PINKHAM of Lexington Township, THOMAS of Ripley.

Bill "An Act To Amend the Requirements for Publishing Municipal  
Legal Notices"  
S.P. 233 L.D. 696

Sponsored by Senator NASS of York.

Bill "An Act To Make Technical Changes to the Laws Establishing  
the Lincoln and Sagadahoc Multicounty Jail Authority"  
(EMERGENCY)  
S.P. 242 L.D. 744

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative RINES of Wiscasset and  
Senator: DOW of Lincoln, Representatives: BISHOP of Boothbay,  
GROSE of Woolwich, HUTTON of Bowdoinham, MILLER of  
Somerville, TRAHAN of Waldoboro.

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

Sent down for concurrence.

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Bill "An Act To Provide Tax Benefits for Sale of Leased Land  
Used as a Primary Residence"  
S.P. 237 L.D. 700

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative CLARK of Millinocket and  
Senators: BRYANT of Oxford, CLUKEY of Aroostook, HASTINGS  
of Oxford, MILLS of Somerset, NUTTING of Androscoggin,  
WOODCOCK of Franklin, Representatives: ANNIS of Dover-  
Foxcroft, BOWLES of Sanford.

Bill "An Act To Amend Maine's Nonresident Income Tax  
Provisions"  
S.P. 238 L.D. 740

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative CUMMINGS of Portland and  
Senators: COWGER of Kennebec, PERRY of Penobscot,  
WESTON of Waldo, Representative: CRAVEN of Lewiston.

Bill "An Act To Clarify the Definition of 'Grocery Staples' To  
Include Pure Maple Syrup under the Tax Laws"  
S.P. 243 L.D. 745

Sponsored by Senator WESTON of Waldo.  
Cosponsored by Senator: DAVIS of Piscataquis, Representatives:  
FLETCHER of Winslow, McLEOD of Lee, RICHARDSON of  
Skowhegan.

Bill "An Act To Exempt Tax on Leased Property Used by Maine's  
Public Higher Education Institutions"  
S.P. 244 L.D. 746

Sponsored by Senator PERRY of Penobscot.  
Cosponsored by Representative HUTTON of Bowdoinham and  
Senator: MITCHELL of Kennebec, Representatives: BARSTOW  
of Gorham, FISCHER of Presque Isle.

Bill "An Act To Provide a Sales Tax Exemption during the Holiday  
Season for Nonprofit Organizations That Purchase Gifts for  
Underprivileged Children"  
S.P. 245 L.D. 747

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representatives: HUTTON of Bowdoinham,  
McCORMICK of West Gardiner.

Bill "An Act Concerning Counties' Share of the Real Estate  
Transfer Tax"  
S.P. 249 L.D. 751

Sponsored by Senator DAMON of Hancock.  
Cosponsored by Representative BARSTOW of Gorham.

Bill "An Act Regarding Equipment Used in Food Preparation  
under the BETR Program"  
S.P. 250 L.D. 752

Sponsored by Senator GAGNON of Kennebec.  
Cosponsored by Representative CLOUGH of Scarborough and  
Senators: COWGER of Kennebec, PERRY of Penobscot,  
WESTON of Waldo, Representatives: BOWLES of Sanford,  
McCORMICK of West Gardiner.

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

Sent down for concurrence.

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Bill "An Act To Amend the Hospital Tax"  
S.P. 224 L.D. 687

Sponsored by Senator DOW of Lincoln.  
Cosponsored by Representative McKANE of Newcastle and  
Senator: CLUKEY of Aroostook, Representatives: BISHOP of  
Boothbay, RECTOR of Thomaston, TRAHAN of Waldoboro.

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

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

Bill "An Act To Repeal Tax and Match"

S.P. 236 L.D. 699

Sponsored by Senator NASS of York.

Cosponsored by Senator: SNOWE-MELLO of Androscoggin.

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

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

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Resolve, Authorizing Relocation of a Certain Private Driveway on Route 26

S.P. 227 L.D. 690

Sponsored by Senator STRIMLING of Cumberland. (BY REQUEST)

Bill "An Act To Provide for the Temporary Suspension of the Tax on Motor Fuel"

S.P. 235 L.D. 698

Sponsored by Senator NASS of York.

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

Sent down for concurrence.

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

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## REPORTS OF COMMITTEES

### House

#### Change of Committee

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Penalties Involving High-speed Vehicle Pursuits"

H.P. 205 L.D. 280

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in 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 (1/27/05) Assigned matter:

Bill "An Act To Recruit and Retain College Graduates through Loan Repayment"

H.P. 302 L.D. 399

Tabled - January 27, 2005, by Senator **BROMLEY** of Cumberland

Pending - **REFERENCE**

(In House, January 25, 2005, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/1/05) Assigned matter:

Bill "An Act To Limit the Harvesting of Eels in Maine Rivers"

S.P. 157 L.D. 531

Tabled - February 1, 2005, by Senator **DAMON** of Hancock

Pending - **REFERENCE**

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.)

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/3/05) Assigned matter:

Bill "An Act To Preserve the Fund for a Healthy Maine"

H.P. 390 L.D. 514

Tabled - February 3, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, February 1, 2005, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/3/05) Assigned matter:

Bill "An Act To Provide Funding for the New Century Community Program"

H.P. 397 L.D. 521

Tabled - February 3, 2005, by Senator **MITCHELL** of Kennebec

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In House, February 1, 2005, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.)

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

Senator **BRENNAN** of Cumberland moved the Senate **RECONSIDER** whereby it **REFERRED** the Bill to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (2/8/05) Assigned matter:

Bill "An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled"

S.P. 154 L.D. 528

Tabled - February 8, 2005, by Senator **SULLIVAN** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, February 1, 2005, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.)

(In House, February 3, 2005, **REFERRED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.)

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

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The Chair laid before the Senate the following Tabled and Later (2/8/05) Assigned matter:

Bill "An Act To Establish Individual Medical Savings Accounts"  
H.P. 382 L.D. 507

Tabled - February 8, 2005, by Senator **STRIMLING** of Cumberland

Pending - **REFERENCE**

(In House, February 3, 2005, **REFERRED** to the Committee on **TAXATION** and ordered printed.)

(In Senate, February 8, 2005, Senator **STRIMLING** of Cumberland moved to **REFER** to the Committee on **TAXATION**. Subsequently, motion **WITHDRAWN**.)

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

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The Chair laid before the Senate the following Tabled and Later (2/8/05) Assigned matter:

Bill "An Act To Protect Maine's Groundfishing Industry"  
S.P. 205 L.D. 650

Tabled - February 8, 2005, by Senator **PERRY** of Penobscot

Pending - **REFERENCE**

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

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

Sent down for concurrence.

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Off Record Remarks

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Senator **COWGER** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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

Senator **DIAMOND**: Ladies and gentlemen of the Senate, on Tuesday of this week we had a hearing in the Transportation Committee on the helmet bill. As you know, there was an overflow crowd. One of the overflow rooms was the Criminal Justice Committee room. Some of the people who were there acted very inappropriately to the committee clerk who was there. I raise this issue so that you will be aware of it. We all need to be aware of this sort of thing. She was subjected to some verbal abuse that was beyond acceptability, to say the least. It was vulgar. It was nasty. She was called names simply because she asked them not to sit at the Representatives' and Senators' desks in the committee room. She asked them if they would just not get involved in the desks themselves, which is what they were doing. They, themselves, were being very inappropriate. When asked not to do what they were doing, they responded in a very inappropriate manner. I'm bringing this to your attention because we all need to be aware of this. She felt very threatened, as she should. They were intimidating in size and in appearance and with their aggressive and abusive language. I was very upset about this and I thought about a number of things I could do. The most civilized thing I could do is what I am doing today. I'm letting you know about this. Also I'm suggesting to those people who did this that they may want to come and see me because I would like to explain to them the inappropriateness of being a bully, a thug, and a coward. Thank you.

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

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Senator **SULLIVAN** of York 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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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 15, 2005, at 10:00 in the morning.