

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
February 22, 2005

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

Prayer by Pastor Edward Hatch of the Palermo Christian Church.

PASTOR HATCH: I want to thank you for inviting me here today. I think I'm going to refuse though in the future because every time I've been invited in February it has snowed. I've had some major snowstorms the last two or three times I've been here. I'll have to really consider if it is in your best interest for me to do that or not.

I just want to give you a suggestion on how to balance your budget. That would be to eliminate state government. I'm sure you've heard that before, haven't you? I was thinking of that and realized that as we look around the world in places like Iraq and Somalia that when government has collapsed it has caused chaos. The job that you folks are doing here, I believe, is extremely important. As a Christian minister my bible says that one of the purposes for government is to protect those who are good from those who are doing evil. If you folks were not doing the jobs that you are doing I really believe that our state would be in much more chaos than what many believe it is today. I know that for many of you it is a real commitment. You have jobs, you have families, you have other things in your lives that are creating a lot of pressure but the State of Maine and the people here are looking for you to make this a safer and better place for them to live. It is my hope that as you make your decisions today that you do so with that in mind. Let's bow for a word of prayer.

Our Heavenly Father, we are thankful today for the God ordained government that you have given to us. We are thankful for the life, liberty, and pursuit of happiness that we are able to have and we are especially thankful for those who have given their lives in defense of those freedoms, some even very recently. As we come here today, each one who is here has an awesome responsibility before them, not to violate the trust that You have called them to, nor to violate the trust that the people of the State of Maine have put in them. It is my prayer, as they go through their deliberations, discussions and meetings that they will be having today and as they are thinking about what they are doing, that the end result is that they will make this state a safer and better place for us to live. I pray, God, that You will grant them the wisdom and ability to discern between right and wrong, that You will help them to know what is right and to do it, and that You might aid them and strengthen them. I ask this in Jesus' name. Amen.

Pledge of Allegiance led by Senator Lois A. Snowe-Mello of
Androscoggin County.

Doctor of the day, Dr. Karen Hallee of Falmouth.

Reading of the Journal of Wednesday, February 16, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend Arborist Licensing Law"
H.P. 612 L.D. 861

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

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

Resolve, To Establish 3-1-1 as a Statewide Business Assistance Services Line

H.P. 584 L.D. 825

Bill "An Act To Amend the Laws Regulating the Practice of Optometry"

H.P. 591 L.D. 832

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.

Bill "An Act To Prevent Camcorder Piracy"
H.P. 593 L.D. 834

Bill "An Act To Increase the Class of Crime for Home Trespass"
H.P. 598 L.D. 847

Bill "An Act To Improve the Collection of Restitution and Supervision Fees"

H.P. 613 L.D. 862

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

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 22, 2005

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 Amend the Curriculum Requirements for High School Students"

H.P. 579 L.D. 820

Bill "An Act Regarding Private Schools' Using Public Tuition Funds"

H.P. 596 L.D. 845

Bill "An Act Allowing School Unions To Improve Efficiency"

H.P. 607 L.D. 856

Resolve, To Direct the Department of Education To Review the School Facility Needs of the State and To Develop Standards for Cost-effective Financing of School Facilities

H.P. 617 L.D. 866

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.

Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare

H.P. 594 L.D. 835

Bill "An Act To Prevent Discrimination against Persons without Health Insurance"

H.P. 597 L.D. 846

Bill "An Act To Ensure Wraparound Services for Children in Need of Care"

H.P. 614 L.D. 863

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 Limit MaineCare Benefits for Individuals Seriously in Arrears on Child Support Payments"

H.P. 604 L.D. 853

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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

Bill "An Act To Increase Fines for Unregistered ATVs"

H.P. 608 L.D. 857

Bill "An Act To Establish an All-terrain Vehicle Trail Pass System"

H.P. 609 L.D. 858

Resolve, To Improve the Information and Education Services of the Department of Inland Fisheries and Wildlife

H.P. 616 L.D. 865

Come 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.

Bill "An Act To Reduce the Duration of Nonpayment of Child Support That Triggers License Suspension"

H.P. 589 L.D. 830

Bill "An Act Regarding Child Protection Proceedings"

H.P. 618 L.D. 867

Come 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 Regarding Fundraising for Clean Election and Traditional Candidates in Leadership Races"

H.P. 581 L.D. 822

Resolve, To Raise a Monument for Women Veterans of Maine

H.P. 588 L.D. 829

Bill "An Act To Limit In-kind Contributions to Maine Clean Election Act Candidates"

H.P. 606 L.D. 855

Bill "An Act To Increase Access to Information Regarding Referendum Questions"

H.P. 621 L.D. 870

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

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

Bill "An Act To Provide Greater Civil Relief Protection for Members of the Military"

H.P. 610 L.D. 859

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

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Amend the Laws Governing Aquaculture"

H.P. 595 L.D. 836

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 Require That the Department of Environmental Protection Consider Economic Impact When Adopting Environmental Regulations"

H.P. 585 L.D. 826

Resolve, To Require the State To Clean Up Toothaker Pond in Phillips

H.P. 603 L.D. 852

Bill "An Act To Ban the Distribution of Children's Products That Contain Mercury Batteries"

H.P. 605 L.D. 854

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 Extend Recognition to the Metis People"

H.P. 620 L.D. 869

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

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

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

Bill "An Act To Preserve Farmland and Timberland following the Death of an Owner"

H.P. 586 L.D. 827

Bill "An Act To Have Counties Retain All the Proceeds from the Real Estate Transfer Tax"

H.P. 587 L.D. 828

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

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

Resolve, To Continue Efforts of the Department of Transportation To Balance Public Safety and Access to Land by Landowners

H.P. 580 L.D. 821

Resolve, To Allow for Seasonal Commercial Vehicle Registration

H.P. 582 L.D. 823

Bill "An Act To Clarify the Law Relating to Motor Vehicle Repair Posters"

H.P. 590 L.D. 831

Bill "An Act To Promote Safe Routes to School"

H.P. 592 L.D. 833

Resolve, Directing the Department of Transportation To Use Composite Manufactured Materials

H.P. 601 L.D. 850

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 To Allow the Public Utilities Commission To Consider the Health of Maine's Manufacturing Economy in the Design of Electric Rates and Energy Policy"

H.P. 583 L.D. 824

Bill "An Act To Restore to Maine Citizens Responsible Access to Sebago Lake"

H.P. 599 L.D. 848

Bill "An Act To Require That Certain Water Districts Install Sand Filtration Systems To Ensure the Safety and Purity of the Water Supply"

H.P. 600 L.D. 849

Bill "An Act To Efficiently Use Funds of the Public Utilities Commission" (EMERGENCY)

H.P. 611 L.D. 860

Bill "An Act To Streamline Sewer District and Sanitary District Borrowing"

H.P. 615 L.D. 864

Bill "An Act To Ensure Equity in Funding" (EMERGENCY)

H.P. 619 L.D. 868

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.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 71

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

February 15, 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 5, MRSA, Chapter 319, Section 3371, I am pleased to re-appoint Sen. Bruce Bryant of Oxford and Sen. Richard Nass of York to the Maine Fire Protection Services Commission.

If you have any questions regarding these appointments please do not hesitate to contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 72

**MAINE STATE LEGISLATURE
JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION & FORESTRY
AUGUSTA, MAINE 04333**

February 15, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 457 An Act To Remove an Access Gate from State-owned Land in Pittston Academy Grant, T2 R4 NBKP

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. John F. Piotti
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 73

**MAINE STATE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS
AUGUSTA, MAINE 04333**

February 15, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 221 An Act To Restrict Placement of Political Signs

L.D. 323 An Act To Limit the Time a Campaign Sign May Be Displayed

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. John L. Patrick
House Chair

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

The Following Communication: S.C. 74

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

February 10, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 4 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Property Valuation Process
- L.D. 75 An Act To Authorize Municipalities To Give Property Tax Relief to Volunteer Firefighters and Emergency Medical Services Personnel

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph Charles Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 75

**UNIVERSITY OF MAINE
MAINE STATE GOVERNMENT SUMMER INTERNSHIP
PROGRAM
ORONO, MAINE 04469-5715**

January 25, 2005

Joy J. O'Brien
Secretary of the Senate
3 State House Station
3rd Floor, Room 327 State House
Augusta, Maine 04333

Dear Secretary O'Brien:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2004 Maine State Government Summer Internship Report for distribution to the Members of the State Senate.

The Maine State Government Summer Internship Program is a full-time, 12-week, paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students an opportunity to participate in and contribute to Maine State Government. Student applications must be received by the Margaret Chase Smith Center for Public Policy by Monday, March 21, 2005. Application forms can be downloaded at <http://www.umaine.edu/mcsc/MeSGIP.htm>.

Thank you for your assistance in making this report available to the Members of the Senate.

Yours truly,

S/Charles E. Morris
Research Associate
Director, Maine State Government Summer Internship Program

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

The Following Communication: S.C. 76

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

February 10, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 49 Resolve, To Reduce Forgery and Fraud in
 Obtaining Prescription Drugs

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 77

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

February 10, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 46 An Act To Require Permission of Customers
 before a Phone Company Can Bill Retroactively

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Recapitalize the Municipal Investment Trust Fund"
S.P. 284 L.D. 871

Sponsored by Senator HOBBS of York. (BY REQUEST)
Cosponsored by Representative PELLETIER-SIMPSON of
Auburn and Senator: SULLIVAN of York, Representatives:
DUPLESSIE of Westbrook, PILON of Saco, VALENTINO of Saco.

Bill "An Act To Authorize a General Fund Bond Issue for Certain
State Parks"

S.P. 298 L.D. 890

Sponsored by Senator WESTON of Waldo.
Cosponsored by Senator: SAVAGE of Knox.

Bill "An Act To Authorize a General Fund Bond Issue To Fight
Global Warming through Energy Conservation"

S.P. 299 L.D. 891

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative FLETCHER of Winslow and
Representatives: HOTHAM of Dixfield, SAVIELLO of Wilton.

Bill "An Act Authorizing a General Fund Bond Issue To Improve
Community Support Services for Persons with Mental Illness"

S.P. 315 L.D. 907

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative FAIRCLOTH of Bangor and
Senators: BRENNAN of Cumberland, MAYO of Sagadahoc,
MILLS of Somerset, STRIMLING of Cumberland,
Representatives: CRAVEN of Lewiston, LERMAN of Augusta,
PINGREE of North Haven.

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 Modernize the Innkeeping Statutes"
S.P. 313 L.D. 905

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative MOODY of Manchester and
Senators: DAMON of Hancock, DOW of Lincoln, ROSEN of
Hancock, Representatives: BARSTOW of Gorham,
CROSTHWAITE of Ellsworth, JODREY of Bethel, KOFFMAN of
Bar Harbor, SCHATZ of Blue Hill.

Bill "An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists"

S.P. 314 L.D. 906

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Representative RECTOR of Thomaston and Representatives: AUSTIN of Gray, FARRINGTON of Gorham.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Allow the Shipment of Cigars into Maine"

S.P. 325 L.D. 950

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Representative KAELIN of Winterport and Senators: DAVIS of Piscataquis, STRIMLING of Cumberland, Representatives: CUMMINGS of Portland, TARDY of Newport, TUTTLE of Sanford.

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

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

Bill "An Act To Change Mandatory Minimum Sentences in Certain Cases"

S.P. 301 L.D. 893

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Strengthen the Penalties for Sales to Minors or Purchases by Minors of Alcoholic Beverages"

S.P. 311 L.D. 903

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative BLANCHETTE of Bangor and Senators: HOBBS of York, PLOWMAN of Penobscot, Representatives: BARSTOW of Gorham, DAVIS of Augusta, GERZOFKY of Brunswick, HOTHAM of Dixfield, MARLEY of Portland.

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

Sent down for concurrence.

Bill "An Act To Require All School Administrators To Spend Time Weekly in the Classroom with Students"

S.P. 291 L.D. 883

Sponsored by Senator CLUKEY of Aroostook. (BY REQUEST)
Cosponsored by Representative SHERMAN of Hodgdon and Senators: COURTNEY of York, DAVIS of Piscataquis, SAVAGE of Knox, Representatives: CARR of Lincoln, GERZOFKY of Brunswick, JOY of Crystal, THOMAS of Ripley.

Bill "An Act To Amend the Education Laws Regarding Equivalent Instruction, Medical Screening and Adult Education"

S.P. 295 L.D. 887

Sponsored by Senator ANDREWS of York.
Cosponsored by Representative NORTON of Bangor.
Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Improve the Quality of Kindergarten Education in Maine"

S.P. 305 L.D. 897

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Senator: MITCHELL of Kennebec, Representative: MAKAS of Lewiston.

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

Sent down for concurrence.

Bill "An Act To Discourage Further the Sale of Tobacco to Minors"

S.P. 293 L.D. 885

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Senators: MAYO of Sagadahoc, MITCHELL of Kennebec, Representatives: DAVIS of Falmouth, DUPLESSIE of Westbrook, MILLER of Somerville, MILLS of Farmington, NORTON of Bangor, PINGREE of North Haven.

Bill "An Act To Promote Parity in the Laws Governing Smoking in the Workplace"

S.P. 294 L.D. 886

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Senators: MILLS of Somerset, PERRY of Penobscot, Representatives: LEWIN of Eliot, MILLER of Somerville, MILLS of Farmington, PINGREE of North Haven, SAMPSON of Auburn.

Bill "An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce"

S.P. 300 L.D. 892

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative CURLEY of Scarborough and
Senators: DOW of Lincoln, ROSEN of Hancock, Representatives:
PERRY of Calais, PINGREE of North Haven, RECTOR of
Thomaston.

Bill "An Act To Create the Maine Asthma and Lung Disease Research Fund"

S.P. 312 L.D. 904

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: President EDMONDS of Cumberland,
PERRY of Penobscot, TURNER of Cumberland, Representatives:
CLOUGH of Scarborough, DUPLESSIE of Westbrook.

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 Shooting Wild Turkey Decoys"
S.P. 317 L.D. 942

Sponsored by Senator WOODCOCK of Franklin.

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

Sent down for concurrence.

Bill "An Act To Require Health Insurers and Health Maintenance
Organizations To Issue Uniform Prescription Drug Benefit Cards"
S.P. 296 L.D. 888

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative PERRY of Calais and Senators:
MILLS of Somerset, SULLIVAN of York, Representatives: PILON
of Saco, RICHARDSON of Warren.

Bill "An Act To Preserve Dirigo Health"
S.P. 306 L.D. 898

Sponsored by Senator COURTNEY of York.

Bill "An Act To Shelter IRAs from the Bankruptcy Law"
S.P. 323 L.D. 948

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and
Representatives: DUNN of Bangor, FAIRCLOTH of Bangor,
PELLETIER-SIMPSON of Auburn.

Bill "An Act To Enhance the Supervisory Powers of the
Department of Professional and Financial Regulation, Bureau of
Financial Institutions"

S.P. 324 L.D. 949

Sponsored by Senator MILLS of Somerset.
Cosponsored by Senators: MITCHELL of Kennebec, SULLIVAN
of York, Representatives: PERRY of Calais, RICHARDSON of
Warren, VAUGHAN of Durham.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

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 Protect Motherhood"
S.P. 292 L.D. 884

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Speaker RICHARDSON of Brunswick and
Senators: BROMLEY of Cumberland, DIAMOND of Cumberland,
MILLS of Somerset, Representatives: FAIRCLOTH of Bangor,
GREELEY of Levant, GROSE of Woolwich, MUSE of Fryeburg,
PELLETIER-SIMPSON of Auburn.

Bill "An Act To Require Guardians ad Litem To Receive
Counseling Training"

S.P. 302 L.D. 894

Sponsored by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Representative VAUGHAN of Durham and
Senator: COURTNEY of York, Representatives: BIERMAN of
Sorrento, BRYANT-DESCHENES of Turner, CEBRA of Naples,
DUGAY of Cherryfield, THOMAS of Ripley.

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

Sent down for concurrence.

Bill "An Act To Allow Assignment of Workers' Compensation
Payments to 3rd Parties Providing Income Protection Benefits"
S.P. 286 L.D. 878

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative DUDLEY of Portland and
Senators: BRENNAN of Cumberland, SULLIVAN of York,
Representative: PERRY of Calais.

Bill "An Act To Ensure Equity in Appeals of Workers'
Compensation Cases"
S.P. 287 L.D. 879

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative KAELIN of Winterport.

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 22, 2005

Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments"

S.P. 289 L.D. 881

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative: SHIELDS of Auburn.

Bill "An Act To Encourage State Employees To Continue Employment"

S.P. 304 L.D. 896

Sponsored by Senator PERRY of Penobscot.
Cosponsored by Representative JACKSON of Fort Kent and Senators: BRENNAN of Cumberland, President EDMONDS of Cumberland, MILLS of Somerset, STRIMLING of Cumberland, Representatives: CLARK of Millinocket, DAVIS of Falmouth, DUPLESSIE of Westbrook, TUTTLE of Sanford.

Resolve, To Create a New Pension System for Newly Hired Teachers and State Employees

S.P. 309 L.D. 901

Sponsored by Senator MILLS of Somerset.

Bill "An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey"

S.P. 318 L.D. 943

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative SMITH of Van Buren and Senator: BRYANT of Oxford, Representatives: DUPLESSIE of Westbrook, HANLEY of Gardiner, JENNINGS of Leeds, PELLETIER-SIMPSON of Auburn, PINEAU of Jay, PIOTTI of Unity, TWOMEY of Biddeford.

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

Sent down for concurrence.

Bill "An Act To Ensure Fair Distribution of Matching Funds under the Maine Clean Election Act"

S.P. 290 L.D. 882

Sponsored by Senator PERRY of Penobscot.
Cosponsored by Representative PATRICK of Rumford and Senator: MITCHELL of Kennebec, Representatives: BLANCHETTE of Bangor, TUTTLE of Sanford.

Bill "An Act Regarding Independent Campaign Expenditures"

S.P. 319 L.D. 944

Sponsored by Senator MAYO of Sagadahoc.

Bill "An Act To Allow the Counting of Absentee Ballots prior to Election Day"

S.P. 320 L.D. 945

Sponsored by Senator MAYO of Sagadahoc.

Cosponsored by Senators: GAGNON of Kennebec, PLOWMAN of Penobscot, Representatives: PATRICK of Rumford, PINKHAM of Lexington Township.

Bill "An Act To Prohibit Petition Blockers from Polling Places"

S.P. 321 L.D. 946

Sponsored by Senator MAYO of Sagadahoc.

Cosponsored by Senator: GAGNON of Kennebec, Representatives: PATRICK of Rumford, PINKHAM of Lexington Township.

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 Expand the Authority of Maine's Lobster Management Policy Councils"

S.P. 303 L.D. 895

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative PINGREE of North Haven and Senators: President EDMONDS of Cumberland, SULLIVAN of York, Representatives: EMERY of Cutler, PERCY of Phippsburg, WHEELER of Kittery.

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

Sent down for concurrence.

Resolve, To Prevent the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed

S.P. 285 L.D. 877

Sponsored by Senator MARTIN of Aroostook.

Cosponsored by Representative JACKSON of Fort Kent and Senator: CLUKEY of Aroostook, Representatives: FISCHER of Presque Isle, PARADIS of Frenchville, SMITH of Van Buren.

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

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

Bill "An Act To Prohibit Municipal Landfill Dumping"

S.P. 288 L.D. 880

Sponsored by Senator STRIMLING of Cumberland.

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 Create the County Government Capital Improvements Revolving Loan Fund"

S.P. 297 L.D. 889

Sponsored by Senator WESTON of Waldo.
Cosponsored by Senators: DAMON of Hancock, DAVIS of Piscataquis, Representatives: ASH of Belfast, FAIRCLOTH of Bangor, KAELIN of Winterport.

Bill "An Act To Require That Municipal and County Spending Be Tracked and Analyzed by the State Planning Office"

S.P. 308 L.D. 900

Sponsored by Senator MILLS of Somerset.

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 Change the Method of Calculating Property Values To Preserve Home Ownership in Maine

S.P. 310 L.D. 902

Sponsored by Senator COURTNEY of York.
Cosponsored by Senators: ANDREWS of York, DAVIS of Piscataquis, Representatives: DAVIS of Falmouth, McKANE of Newcastle, Representative CLOUGH of Scarborough and Senators: RAYE of Washington, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, Representatives: DUGAY of Cherryfield, TARDY of Newport.

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

Sent down for concurrence.

Resolve, Directing the Department of Transportation To Erect Signs on the Maine Turnpike Directing Motorists to 'Historic Downtown Saco'

S.P. 307 L.D. 899

Sponsored by Senator HOBBS of York. (BY REQUEST)
Cosponsored by Representative VALENTINO of Saco and Senator: SULLIVAN of York, Representative: PILON of Saco.

Bill "An Act To Clarify the Laws Regarding Motor Vehicle Title Applications"

S.P. 322 L.D. 947

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative MARLEY of Portland and Senators: DAMON of Hancock, SAVAGE of Knox, Representative: SAMPSON of Auburn.

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 GAGNON of Kennebec, the following Senate Order:

S.O. 16

ORDERED, that pursuant to Joint Rule 353, subsection 8, a special study table is established in the Senate.

READ and PASSED.

Senate at Ease.

Senate called to order by the President.

Joint Order

On motion by Senator PERRY of Penobscot, the following Joint Order:

S.P. 316

ORDERED, the House concurring, that the Task Force to Study the Feasibility of Retiring the Income Tax is established as follows.

1. Task force established. The Task Force to Study the Feasibility of Retiring the Income Tax, referred to in this order as "the task force," is established.

2. Membership. The task force consists of the following 15 members:

A. Ten members of the Senate, appointed by the President of the Senate; and

B. Five members of the House of Representatives, appointed by the Speaker of the House.

3. Task force chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force, which must be no later than March 1, 2005.

5. Duties. The task force shall hold 10 meetings at various locations in the State, to be determined by the chairs. The task force shall:

A. Study the feasibility of retiring the income tax by taking a certain percentage of state revenue every year and putting the revenue into an endowment fund to eventually retire the income tax;

B. Invite the participation of experts and interested parties to explore the retiring of the income tax;

C. Identify and recommend appropriate actions the State may take to realize the retiring of the income tax; and

D. Identify and discuss other issues relevant to this study.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Fiscal and Program Review shall provide necessary staffing services to the task force.

7. Compensation. Legislative members of the task force are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force.

8. Report. No later than January 5, 2006, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 122nd Legislature. The task force is authorized to introduce a bill related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report.

9. Extension. If the task force requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the task force terminates.

10. Budget. The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget. Upon request from the task force, the Executive Director of the Legislative Council shall promptly provide the task force chairs

and staff with a status report on the task force's budget, expenditures incurred and paid and available funds.

READ.

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

Expression of Legislative Sentiment recognizing:

Assistant Attorney General Melissa Reynolds O'Dea, of Richmond, recipient of the 2004 Loveland Tobacco Award. She was recognized for her leadership while serving as Chair of the National Association of Attorney Generals' Tobacco Enforcement Working Group. She coordinated investigations and litigation, ensuring that tobacco manufacturers met their legal obligations. Melissa is a national leader and legal expert on tobacco health-related issues and it is through her efforts that the State continues to receive more than 50 million dollars annually under the Master Settlement Agreement. We congratulate her on her award and applaud her contributions to our State;

SLS 110

Sponsored by Senator PERRY of Penobscot.

Cosponsored by Senator: MAYO of Sagadahoc, Representatives: FISHER of Brewer, NORTON of Bangor, HUTTON of Bowdoinham.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Madame President. I am so pleased to be able to stand here today and speak on this recognition of Melissa Reynolds O'Dea. To give you a little history, last June I walked into the restaurant at the Bangor Municipal Golf Course and I sat down with her dad for supper. He was just beaming. She'd just been recognized for a national award for her work on the tobacco settlement. It is an amazing achievement. I know how lucky we are to have an Attorney General like Steve Rowe here in the State of Maine. Quite often it is the Attorney General that gets all the attention but he would not have the success he has if it wasn't for all the hard working Assistant Attorney Generals in the department. I think it's marvelous that today we can stand here and recognize the hard work of Melissa. I'd like to present this to her, if I could, in the well of the Senate.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes in the rear of the Chamber Assistant Attorney General Melissa Reynolds O'Dea of Richmond and former Senator John O'Dea. Would they please rise and accept the greetings of the Maine Senate.

The Chair is also pleased to recognize in the rear of the Chamber her father, Larry Reynolds, her stepmother, Mary

Reynolds, and her brother, Jason Reynolds. Would they please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide for the Efficient Administration of Family Development Accounts"
H.P. 27 L.D. 24

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)
H.P. 13 L.D. 8

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Membership of the InforME Board"
H.P. 77 L.D. 101

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-22)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-22)**.

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

READ ONCE.

Committee Amendment "A" (H-22) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator SCHNEIDER for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME" (EMERGENCY)

S.P. 109 L.D. 347

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan" (EMERGENCY)
S.P. 120 L.D. 373

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act To Standardize Water Lien Provisions"
H.P. 183 L.D. 244

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in
concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **MAYO** of Sagadahoc was granted unanimous consent to
address the Senate off the Record.

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

Off Record Remarks

Senator **SNOWE-MELLO** of Androscoggin 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 **BRENNAN** of Cumberland, **ADJOURNED**,
to Thursday, February 24, 2005, at 11:00 in the morning.