

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Regular Session
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Pages 1 - 410

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
March 10, 2005

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

Prayer by Reverend Sally Colegrove of the Windham Hill United
Church of Christ.

REVEREND COLEGROVE: Good morning, Madame President
and all gathered. It's an honor for me to be here as your chaplain
this morning and I thank Senator Diamond for asking me. Let us
turn our hearts and minds towards God in prayer.

Oh great and gracious God, we call You by many names;
Holy, wonderful, mighty, wise. We know You in many ways. This
morning we would ask that You be present here in this place of
decision and challenge. Bless those gathered with the gift of
discernment that they may make good choices for all who live in
our state. Let the cold of this season invigorate and not depress
their hearts. In the beauty of the winter landscape, may we see
Your artistry and be called to a new compassion for those who
are caught unprepared. For all that we have received from Your
hand, we give You thanks. We are so grateful for nourishment,
housing, miracles of healing, and yes, for life itself. Even as we
see the bounty surrounding each of us, make us mindful of those
who are in need. Today we dedicate ourselves to work towards a
day when all will be fed, all will have shelter, all will know
education and health and justice. We give You thanks for all
those who work tirelessly for those who are marginalized, for
those hurt by poverty or prejudice, for those who are healers.
Grant us the courage to join those who are not content with the
world as it is, but dream of a world yet to be, where all of Your
children may live together in respect and understanding. Merciful
God, we pray for our world, that it may feel the touch of Your
healing so that every corner of the earth might know peace.
Teach the nations to compromise and to see ourselves as one
global community. Guard with Your mighty hand all those
members of our armed forces who are on station around the
world. Bring them safely home. Those who have been so
affected by the tsunami in southeast Asia have touched our
hearts. Remind us that their suffering continues day by day and
show us how we might respond to them. Bless our nation, that it
may call the world to a new season of justice and freedom, that
we may share the gifts that we have been given with all who are
in need. Bless the Senators now as they begin their appointed
tasks and bless all of the people of Maine as they go about their
lives, both now and in the days ahead. Lord, in Your mercy, hear
our prayer. Amen.

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

Out of order and under suspension of the Rules, on motion by
Senator **BRENNAN** of Cumberland, the following Joint Order:
S.P. 414

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

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Allow the Secretary of State To Review License
Suspensions"

S.P. 386 L.D. 1124

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

In Senate, March 2, 2005, **REFERRED** to the Committee on
JUDICIARY.

Comes from the House, **REFERRED** to the Committee on
TRANSPORTATION, in **NON-CONCURRENCE**.

On motion by Senator **DAMON** of Hancock, **TABLED**
Unassigned, pending **FURTHER CONSIDERATION**.

Off Record Remarks

Joint Resolution

Joint Resolution in Memoriam:

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

Jane Gray Muskie, widow of former Maine governor, senator and
national Secretary of State Edmund S. Muskie, at her home
outside Washington, D.C., on Christmas morning. Jane Gray was
born and raised in Waterville, where she met young attorney
Edmund S. Muskie. They married in 1948 while he was a
member of the Maine House of Representatives. In 1954, Mr.
Muskie was elected Governor of Maine, and as Maine's First
Lady, Mrs. Muskie was the first in memory to have a child while
living at the Blaine House. The Muskies moved to Washington,
D.C., in 1958, when Edmund Muskie won the United States
Senate seat he would hold until President Carter named him
Secretary of State in 1980. Mrs. Muskie was devoted to her
husband and five children, raising her family in Bethesda,
Maryland, and Kennebunk, Maine. She was talented, charming

and well respected, and she was one of her husband's greatest political assets. Mrs. Jane Muskie will be buried next to her husband, who predeceased her in 1996, at Arlington National Cemetery. She will be greatly missed by her loving family, her many friends and the citizens of the State of Maine;

HLS 138

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

READ.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. Obviously, when I read the resolution this morning, one of the things that this thing does to you is brings back memories of some things or of a person in your life. As some of you, of course, were aware, in my younger days, which were many years ago, I was an employee of Senator Muskie, both in Washington and Maine and on the campaign trail. Jane Muskie was a person whom I got to know extremely well, probably through the Vice-President campaign more than other time. One of the things that I was thinking about this morning was when I first met her, in 1952, when I was a very young child and then again in 1953, when Ed Muskie was involved in the party and then made the decision to run for Governor. You may not know, it was a little known fact, that the decision was actually made at a State Democratic Committee at Eagle Lake where my uncle served in the Legislature and was a member of the state committee. That's really going back a long way, but I can tell you that throughout the campaigns, the Congressional, Presidential, Vice-Presidential, and all the campaigns in which I was involved in with the Senator, that Jane Muskie was a force. A lot of people thought that she was in the background, didn't do much, etcetera. I can assure you that she made a lot of decisions for Ed Muskie. I've got to tell you one of them, which really was an interesting one. I won't tell you all the details. We were going to a visit at Camp Waban in York County. I was not supposed to be there but I ended up being the person responsible to drive. As a result, I didn't have a map of southern Maine. Didn't know southern Maine very well at that time. This was in 1970. When I picked up the Senator and Jane in Kennebunkport, I said, 'Do we have a map?' The Senator said, 'I don't need one, I know where I'm going.' So we get on our way and we're driving. He's reading the Sunday paper. We get to a 'T' in the road and I said, 'Senator, which way do I go?' He said, 'Right.' Jane is in the back seat and she said, 'We go left.' At that point I am a very young 20 plus some, fairly scared of all of this, not knowing them very well at that point, and I had to make a decision. I went left. I want to assure you Jane Muskie was right and the Senator was wrong. Through all of this the Senator is saying, 'If we're late, it's your fault, John.' The point that I learned from all of that was to always trust Jane Muskie with directions, knowing where we were going and where we had to be, throughout that campaign. Throughout all of this, my experience with her was that she was a person who was fully grounded in Maine, who knew Maine people, knew where she was, who she was, and where she was going. As a citizen of Waterville, a native of Waterville, she respected, more than anything, the people of Maine. It didn't matter when after he served in the Senate and as Secretary of State and continued to reside in southern Maryland, Maine was still home. I will always

remember her and respect her dearly. I am, obviously, pleased to support this resolution today.

ADOPTED, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 89

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

March 3, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 57 | An Act To Provide Free Tuition to Students Achieving Learning Results Standards |
| L.D. 186 | An Act To Provide Certain Students with Full Tuition for State Institutions of Higher Learning |
| L.D. 363 | Resolve, To Study the Feasibility of Establishing a Football Program at the University of Southern Maine |

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

The Following Communication: S.C. 90

**MAINE STATE LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES
AUGUSTA, MAINE 04333**

February 28, 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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 136 An Act To Allow an Appeal for Cancellation of Commercial Insurance
- L.D. 414 An Act To Require a Credit Card To Contain the Photo and Signature of the Cardholder

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

SENATE PAPERS

Bill "An Act To Amend the Laws Governing the Board of Dental Examiners"

S.P. 419 L.D. 1205

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative CLARK of Millinocket and Representative: ANNIS of Dover-Foxcroft.

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

Sent down for concurrence.

Bill "An Act To Ensure Public Accountability in the Delivery of Higher Education Services" (EMERGENCY)

S.P. 425 L.D. 1241

Sponsored by Senator MITCHELL of Kennebec.

Cosponsored by Representative DUPLESSIE of Westbrook and Senators: BRYANT of Oxford, CLUKEY of Aroostook, COWGER of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DOW of Lincoln, President EDMONDS of Cumberland, MARTIN of Aroostook, PLOWMAN of Penobscot, RAYE of Washington, STRIMLING of Cumberland, Representatives: BROWNE of Vassalboro, BRYANT of Windham, FINCH of Fairfield, FISCHER of Presque Isle, GERZOFKY of Brunswick, LERMAN of Augusta, MARRACHÉ of Waterville, MOODY of Manchester, NORTON of Bangor, PATRICK of Rumford, RINES of Wiscasset, STEDMAN of Hartland, TARDY of Newport, THOMPSON of China.

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

Sent down for concurrence.

Resolve, To Fund a Group Home for Young Adults with Disabilities in Southern Maine (EMERGENCY)

S.P. 420 L.D. 1206

Sponsored by Senator HOBBS of York.

Cosponsored by Representative MERRILL of Appleton and Senators: BROMLEY of Cumberland, MAYO of Sagadahoc, Representatives: BARSTOW of Gorham, HOGAN of Old Orchard Beach, PINGREE of North Haven.

Resolve, Creating a Working Group To Study the High Rate of Suicide in Maine (EMERGENCY)

S.P. 422 L.D. 1208

Sponsored by Senator SCHNEIDER of Penobscot.

Cosponsored by Representative MILLER of Somerville and Senators: MARTIN of Aroostook, MAYO of Sagadahoc, ROSEN of Hancock, Representatives: BARSTOW of Gorham, CAIN of Orono, MAKAS of Lewiston, PINGREE of North Haven, WEBSTER of Freeport.

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

Sent down for concurrence.

Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records

S.P. 416 L.D. 1202

Sponsored by Senator BRENNAN of Cumberland.

Cosponsored by Representative FARRINGTON of Gorham and Senators: BARTLETT of Cumberland, HOBBS of York, MAYO of Sagadahoc, MITCHELL of Kennebec, Representative: BARSTOW of Gorham.

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

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

Bill "An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships"

S.P. 424 L.D. 1210

Sponsored by Senator **HOBBS** of York.
Cosponsored by Speaker **RICHARDSON** of Brunswick and Senators: **COURTNEY** of York, **PERRY** of Penobscot, Representatives: **CARR** of Lincoln, **DUNN** of Bangor, **FISHER** of Brewer, **GERZOFKY** of Brunswick, **JACKSON** of Fort Kent, **PELLETIER-SIMPSON** of Auburn.
Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

Bill "An Act To Improve the Clean Election Laws"

S.P. 421 L.D. 1207

Sponsored by Senator **GAGNON** of Kennebec.
Cosponsored by Representative **TUTTLE** of Sanford and Senator: **MAYO** of Sagadahoc.

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

Sent down for concurrence.

Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters

S.P. 423 L.D. 1209

Sponsored by Senator **BARTLETT** of Cumberland.
Cosponsored by Senators: **BRENNAN** of Cumberland, **COWGER** of Kennebec, **DOW** of Lincoln.

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

Sent down for concurrence.

Bill "An Act To Amend the Charter of the Farmington Village Corporation"

S.P. 418 L.D. 1204

Sponsored by Senator **WOODCOCK** of Franklin.
Cosponsored by Representative: **MILLS** of Farmington.

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

Sent down for concurrence.

Resolve, Authorizing a Review of Inspection Requirements for Vehicles with Aftermarket Modifications

S.P. 415 L.D. 1201

Sponsored by Senator **PERRY** of Penobscot.
Cosponsored by Senators: **DAMON** of Hancock, **SAVAGE** of Knox, Representatives: **FISHER** of Brewer, **MARLEY** of Portland, **PARADIS** of Frenchville.

Bill "An Act To Amend the Laws Concerning Eminent Domain"
S.P. 417 L.D. 1203

Sponsored by Senator **SCHNEIDER** of Penobscot.
Cosponsored by Representative **CROSBY** of Topsham and Senators: **DAMON** of Hancock, **DIAMOND** of Cumberland, **DOW** of Lincoln, **SAVAGE** of Knox, Representatives: **MARLEY** of Portland, **MAZUREK** of Rockland, **PARADIS** of Frenchville.

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

Sent down for concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The following members of the Bangor Christian High School Cheerleading Team, winners of the Class D State Championship: Jeni McFarland, Jessica Dougherty, Dane Mooers, Kristen Hersey, Amarie Hussey, Ashley Booker, Aimee Sargent, Margie Potter, Abigail Jenkins, Denise Spencer, Verity Ramirez, Bekah Smith, Kaitlin Jesky; alternatives Johannah Kutz, Maria Bustos, Jenny Stumpf, Tori Reeves and coach Erin Lowell. We congratulate the "Patriots" on their victory;
SLS 146

Sponsored by Senator **PERRY** of Penobscot.
Cosponsored by Representatives: **NORTON** of Bangor, **BLANCHETTE** of Bangor, **FAIRCLOTH** of Bangor, **DUNN** of Bangor.

READ.

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

Senator **PERRY**: Thank you, Madame President, ladies and gentlemen of the Senate. I'm very pleased today to rise to recognize the members of the Bangor Christian State Championship Cheerleading Team. We have them with us here today in the back. What a group of fine young students. They have been a pleasure to have here today. They have a big day ahead of them. They are going to head down to the House and meet with the Governor later. Hopefully they will enjoy their stay. I'm just so pleased to have them here today and to get the recognition. If anyone hasn't been to a cheerleading competition lately, they really pack the house. They are finally getting the recognition they deserve. We're pleased to have them here and I just want to say, publicly, congratulations.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes in the rear of the Chamber the Bangor Christian High School cheerleading team. Would they please rise and accept the greetings of the Maine Senate.

Paul Vachon, the girls basketball coach at Cony High School in Augusta, on reaching his 400th career win. Paul has set the standard for all Class A teams in Maine by establishing one of the best high school basketball programs in the State. We congratulate him and extend our best wishes for his continued success;

SLS 164

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

READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator **Mitchell**.

Senator **MITCHELL**: Thank you, Madame President. Here we are in the heart of basketball season and it is an extraordinarily exciting to represent one of the winningest coaches in the State of Maine. We, in Augusta, are very proud. In fact, we think a lot about Garrison Keiller. We know all of the women in Augusta are good looking and the children above average. However, we had no idea what it was that made our basketball team so successful. Then, frankly, we had to admit that when Paul Vachon reached his 400th win the secret had to be in his skills in coaching. One bit of disclosure, I think my daughter, Elizabeth, owes a great deal of her success in life to his strenuous discipline. She made the team, but she never got to play. She was one of those bench warmers who made sure that his starters were very, very good. All of us in Augusta are so proud of him. He even brought his boss here today, the Superintendent of Schools Connie Brown. She's proud of him as well. I know that you will join me in congratulating him on his 400th win. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator **Woodcock**.

Senator **WOODCOCK**: Thank you, Madame President, ladies and gentlemen of the Senate. I'd first like to thank the good Senator from Kennebec, Senator **Mitchell**, for asking me to say a few words today about Paul Vachon. Paul and I go back a long way. It's a little known fact that he was probably a better softball player than he is a coach. I had the opportunity to view that a few times. This is an extraordinary human being, often misunderstood. In fact, I think in the annals of Maine coaching, one of the most misunderstood coaches. He has an incredible passion for the game of basketball. He has a significant dedication to his players and a great loyalty to his community. If you look at his record of 400 wins and 50 something losses, 400 wins and 50 something losses, and you say to yourself this has to be a typographical error. Those of us who have been involved in this coaching community and those of us who have looked at it from afar, would understand. Who in the world could have 400 wins and 50 something losses? I'm pleased to say today that my team's contributed significantly to those 400 wins. Paul has a record unmatched in Maine high school basketball coaching history. Paul has a record unmatched in New England high school basketball coaching history. I dare say Paul has a record virtually unmatched in national basketball coaching history. It is indeed a personal pleasure for me to recognize Paul Vachon today for his accomplishments at Cony High School and to congratulate him and wish him the best in the future.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes in the rear of the Chamber Paul Vachon, the girls' basketball coach at Cony High School in Augusta. Would he please rise and accept the greetings of the Maine Senate.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Chain Restaurants"

H.P. 86 L.D. 110

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

BROMLEY of Cumberland
DOW of Lincoln
HOBBINS of York

Representatives:

SMITH of Monmouth
CROSBY of Topsham
AUSTIN of Gray
ROBINSON of Raymond
RECTOR of Thomaston
BEAUDETTE of Biddeford
BERUBE of Lisbon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:

O'BRIEN of Lewiston
FARRINGTON of Gorham

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **MARTIN:** Madame President and members of the Senate, I just need to give you a little history before this goes on its merry way. I was asked by the previous President to serve as Chair of this commission that met during the summer. As I remember, the way it was structured by a previous committee, there were about 30 people on the commission. One of the controversial issues was this one. The others, for the most part, were involved in other bills, and frankly, are coming out of committee later. I think the message that the commission was trying to send to everyone is clear here. That is that there is some problems with what is happening in restaurants in this state and throughout this country, and for that matter, elsewhere. It's interesting to note, by the way, that the National Restaurant Association estimates that 4 out of 10 adults will patronize a restaurant in the course of a typical day in this country. Fairly high, which obviously leads to what people are trying to address. There is an assumption here that some people are saying we are trying to put restaurants out of business. What the goal of the commission was is basically to put into some manner, shape, or form that restaurants would put what the calories are and what other things are in front of people that are ready to order. That, frankly, was too expensive an idea, in the light of many. It is interesting that about 1/3 of all national restaurants put that information out on their web site right now. What you need to do, if you want to follow what 1/3 of these restaurants suggest, is to bring the laptop with you to the restaurant and you can access the calories on each item right from the web site. I can see the restaurant owners not being concerned about that and say that it

is intrusion into private enterprise, but it is just a thought and I put it out there. I will hold the Maine Restaurant Association responsible for this because they have indicated that there is a way in which they will start to put out information at various restaurants with a sheet that will be available, inexpensive to the owners, which will provide information so that people will know what is on the menu. You say, 'Why bother?' Let me just point out to you that Maine is a state in which the obesity rate is one of the highest in the country. It is an issue. I will point out that the result of that means more healthcare costs are being picked up by the insurance carriers of this state. This means higher rates. We complain a lot about rates. We complain a lot about the cost of healthcare. It is not the only reason. It is not the major reason. It is part of the problem. At some point in time, we need to do something. This is a minor point of the whole picture, but it is one in which the commission expressed a concern. So I am more than willing today to accept the committee's recommendation and then to look at what may transpire in the years to come as to what the Maine Restaurant Association and other establishments will do in order to deal with some of these issues that we face. There is no question that fast food is one of the problems. It is one in which some how, at some point, we will need to deal with because it is an issue and it is something that the commission dealt with. I certainly am obviously voting today for the acceptance of the Majority Report. I'm just telling you what the background was as far as the commission was concerned.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President. I'd like to thank the Senator from Aroostook, Senator Martin, for his remarks. I have a little different take on some of the statistics though. Information that I've received indicates that 20% of the meals that Mainers eat each week are in restaurants but only 20% of those restaurants are the fast food restaurants or the chain restaurants, I should say, in question in this bill. It's that statistic that shows less than 4% of the meals per week are eaten at these restaurants. What is being asked is to separate out this small group of restaurants and make them jump through some hoops that the others don't need to. I agree that we have an obesity problem in this state. I don't think putting the information on a menu is going to have any effect on it. I believe that some further education in the school system is more in order for this. It would cost the chain restaurant several thousands or tens-of-thousands of dollars to change their menus every time an item on the menu changed. They would have to change the menus to update the information. Not only that, but I'd say to you that people that want to know this information, that are going to pay attention to it, already know it. They are the ones that are deciding what they are going to eat. My favorite restaurant is not on this list because it's not a chain restaurant, that's Moody's Dinner. One of my favorite desserts is a nice big cream puff. I wish I could eat one every day, but I know that I can't. By the way, they are so good that when I have gone in there and said, 'Well, I'll eat half of it and take the other half home,' the other half hasn't made it home yet. Maybe a whole one has made it home because I've took it with me, but that's all. We need to be more aware of the education that needs to go out there to the people. What really concerns me is what's happened to our school system. That isn't due to the 4% of the meals that are eaten in these chain restaurants per week. I taught back in the 1970's and early 1980's. When I go

into the schools systems today, there is a noticeable change in the way our students look. It disturbs me. There are solutions to this problem. To me, this is not worth consideration and I wish that we would go as the Senator from Cumberland, Senator Bromley, has indicated and vote not ought to pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President. I've always supported and will continue to support the Dirigo Health Plan. I want to ask for a division and I want to support this ought to pass report. To me, the foundation of the Dirigo Health Plan is healthy lifestyles. Not knowing the number of calories on the menu, to me, is exactly counter to that. I think this would make a difference. It's not going to solve the whole problem, but I think it is a step in the right direction. Eating differently and more exercise, I think those two things can have a huge and positive effect in lowering our obesity rate and also lowering our cost of healthcare. Madame President, I ask for a division.

Senator **NUTTING** of Androscoggin requested a Division.

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

Senator **MARTIN:** Thank you, Madame President. For the benefit of the members of this body and the good Senator from Lincoln, Senator Dow, I will say that there is a bill coming that deals with the issue in schools. I will look forward to him voting with us on that bill.

At the request of Senator **NUTTING** of Androscoggin a Division was had. 31 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **BROMLEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senate

Ought to Pass

Senator **BRYANT** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Redefine the Boundaries of the Fairfield Sanctuary"

S.P. 50 L.D. 144

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:

Senate

Bill "An Act To Codify Senate Districts in Statute"

S.P. 40 L.D. 98

Bill "An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries"

S.P. 77 L.D. 224

READ A SECOND TIME and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

Senate As Amended

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

S.P. 46 L.D. 140

(C "A" S-14)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME

S.P. 109 L.D. 347

On motion by Senator **MITCHELL** of Kennebec, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion by same Senator, Senate Amendment "A" (S-15) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator **MITCHELL:** Thank you, Madame President and men and women of the Senate. This amendment is a technical amendment. The committee is unanimously in favor of the name change for Jobs for Maine's Graduates to InspireME, but the Inspire-ME is what is on their web page and it also enables them to register with the Secretary of State without interfering with a name already registered as InspireME. It is agreed to by the committee, by the Secretary of State, and as well as by Jobs for Maine's Graduates. I would respectfully request that you support adoption of this amendment.

On further motion by same Senator, Senate Amendment "A" (S-15) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-15), in NON-CONCURRENCE.

Sent down for concurrence.

Emergency Measure

An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan

S.P. 120 L.D. 373

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Establishing a Study Committee To Examine Methods To Assist the Potato Industry

H.P. 842 L.D. 1224

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Strengthen Community Health Centers and Indian Health Centers"

H.P. 834 L.D. 1216

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

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

Bill "An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources"

H.P. 852 L.D. 1234

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

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

Bill "An Act To Amend the Laws Governing the State Planning Office"

H.P. 864 L.D. 1246

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

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Benefit the Creative Economy

H.P. 833 L.D. 1215

Bill "An Act To Amend and Update Laws Regulating the Practice of Nursing"

H.P. 843 L.D. 1225

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Sentencing Laws"
H.P. 855 L.D. 1237

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

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

Bill "An Act To Protect Children from Individuals Who Have Engaged in Sexual Abuse of Children in the Past"
H.P. 850 L.D. 1232

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

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures"
H.P. 828 L.D. 1200

Resolve, To Replace the Current Assessment Exams with a More Appropriate Test
H.P. 839 L.D. 1221

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create Consistency in the Regulation of Small Group Homes"
H.P. 846 L.D. 1228

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles"
H.P. 838 L.D. 1220

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Cancellation of Disability Insurance"
H.P. 840 L.D. 1222

Bill "An Act To Provide Enhanced Information to Consumers of Health Care"
H.P. 860 L.D. 1242

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing the Effect of Foreclosure of a Tax Lien on Time-share Estates"
H.P. 830 L.D. 1212

Bill "An Act To Strengthen the Enforcement of Divorce Decrees"
H.P. 847 L.D. 1229

Resolve, To Increase Safety for Domestic Abuse Victims (EMERGENCY)
H.P. 863 L.D. 1245

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System"
H.P. 825 L.D. 1197

Bill "An Act To Require Inspectors from the Department of Labor, Bureau of Labor Standards To Provide Advance Notice of Inspections"
H.P. 832 L.D. 1214

Resolve, Directing the Maine State Retirement System To Support the Federal Public Servant Retirement Protection Act
H.P. 841 L.D. 1223

Resolve, To Establish the Study Commission Regarding Liveable Wages (EMERGENCY)
H.P. 854 L.D. 1236

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Ensure Compliance with Safety Regulations"
H.P. 856 L.D. 1238

Bill "An Act To Modify Labor Laws with Regard to Minor Workers"
H.P. 865 L.D. 1247

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Fund Pesticide Education in the State"
H.P. 845 L.D. 1227

Bill "An Act To Promote Clean Elections in Maine"
H.P. 857 L.D. 1239

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements"
H.P. 831 L.D. 1213

Bill "An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry"

H.P. 849 L.D. 1231

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Department of Environmental Protection To Coordinate Regulation of Activities in Sand and Gravel Pits
H.P. 836 L.D. 1218

Bill "An Act To Improve the Business Climate in Maine"
H.P. 837 L.D. 1219

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Facilitate and Promote Regional Cooperation"
H.P. 848 L.D. 1230

Bill "An Act To Make Election Day a State Holiday"
H.P. 861 L.D. 1243

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.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Property Valuation Increases for Persons 65 Years of Age or Older or Disabled Persons
H.P. 827 L.D. 1199

Bill "An Act To Amend the Laws Governing the Taxation of Time-share Estates"
H.P. 844 L.D. 1226

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That a Citizen-initiated Measure That Imposes a New or Increased Tax or Fee Be Approved by the Legislature and Signed by the Governor
H.P. 853 L.D. 1235

Bill "An Act To Change the Maine Income Tax Rates"
H.P. 858 L.D. 1240

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.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Require That Property Tax Bills Specifically Note the Amount of Land Being Taxed"
H.P. 862 L.D. 1244

Comes 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Permit the Expanded Use of Changeable Signs for Governmental Entities and Public Facilities"
H.P. 829 L.D. 1211

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Bill "An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fund-raising Projects"
H.P. 835 L.D. 1217

Sent down for concurrence.

Bill "An Act To Reorganize the Northern New England Passenger Rail Authority"
H.P. 851 L.D. 1233

The Chair laid before the Senate the following Tabled and Later (2/22/05) Assigned matter:

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

JOINT STUDY ORDER - To Study the Feasibility of Retiring the Income Tax by Use of an Endowment Fund
S.P. 316

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

Tabled - February 22, 2005, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **PASS**

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

(In Senate, February 22, 2005, on motion by Senator Perry of Penobscot, **READ**.)

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Promote Responsible Advertising by Public Utilities"
H.P. 826 L.D. 1198

On motion by Senator **PERRY** of Penobscot, **COMMITTED** to the Committee on **TAXATION**.

Sent down for concurrence.

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

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

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

Bill "An Act To Protect Maine Harness Racing from Illegal Wagering"
S.P. 370 L.D. 1053

Tabled - March 2, 2005, by Senator **GAGNON** of Kennebec

Pending - **REFERENCE**

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.

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (1/18/05) Assigned matter:

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

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

Bill "An Act To Facilitate Voting by Participants in the Address Confidentiality Program"
H.P. 768 L.D. 1115

Tabled - January 18, 2005, by Senator **BRYANT** of Oxford

Tabled - March 8, 2005, by Senator **HOBBS** of York

Pending - **REFERENCE**

Pending - **REFERENCE**

(In House, January 13, 2005, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.)

(In House, March 2, 2005, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the Committee on **NATURAL RESOURCES**, in **NON-CONCURRENCE**.

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

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

Bill "An Act To Limit the Early Release of Persons Convicted of Certain Crimes"

S.P. 405 L.D. 1177

Tabled - March 8, 2005, by Senator **HOBBS** of York

Pending - **REFERENCE**

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

(See action later today.)

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

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Carolyn Watkins of Portland
SLS 140

Tabled - March 8, 2005, by Senator **BARTLETT** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, March 8, 2005, **READ**.)

At the request of Senator **BARTLETT** of Cumberland, Joint Order **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. I first met Carol Watkins approximately two years ago when I joined the Westbrook-Gorham Rotary. What became immediately clear was her commitment to the community she served, the City of Westbrook, and her enthusiasm for her work at the Walker Memorial Library, where she served as director for 25 years. As I'm sure you will agree, Madame President, libraries are so much more than places where you go to get books. They are cultural centers in our communities, places where people from a very young age can go to learn and talk with others, you can pick up tax information, and can serve many needs. This library in particular, which is located right in downtown Westbrook, and is a beautiful old building. Carol Watkins oversaw renovation projects to that building. It is just a marvelous place to be. I'd like to thank her for her commitment to the City of Westbrook and for the time that she served as director of Walker Memorial Library. Thank you.

THE PRESIDENT: The Chair would concur with the Senator from Cumberland, Senator Bartlett, about the importance of libraries.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair recognizes in the rear of the Chamber Carolyn Watkins of Portland. Would she please stand and receive the greetings of the Maine Senate.

On motion by Senator **HOBBS** of York, the Senate **RECONSIDERED** whereby it **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** the following:

Bill "An Act To Limit the Early Release of Persons Convicted of Certain Crimes"

S.P. 405 L.D. 1177

On further motion by same Senator, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

Off Record Remarks

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

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