

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
March 15, 2005

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

Prayer by Reverend Grace Barlett of the Grace United Methodist
Church of Bangor.

REVEREND BARLETT: Let us pray. Most Holy Creator, we give
You thanks for the beauty of this day and for Your love that is
lavished upon us each and every day. We know that Your
wisdom is greater than ours and we ask that You pour Your
wisdom into each and every person here, that they may hear and
understand that they may have the wisdom to guide the people of
the State of Maine. We ask Your blessing upon each town and
each individual that is represented by these individuals here, that
they, too, may feel Your blessing coming through this legislature.
We thank You for this day, for the gift and opportunity to serve.
This we ask in Christ's name. Amen.

Pledge of Allegiance led by Senator Lynn Bromley of Cumberland
County.

Doctor of the day, Dr. Connie Adler of Wilton.

Reading of the Journal of Thursday, March 10, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 859

ORDERED, the Senate concurring, that the Joint Standing
Committee on State and Local Government shall report out, to the
House, legislation to repeal boards and commissions that are
inactive based on a list of boards and commissions produced by
the Secretary of State.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.P. 426

**122nd MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated
Ronald Daigle of Fort Kent for appointment as a Judge of the
Maine District Court.

Pursuant to Title 4 M.R.S.A. §157, this nomination will require
review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 427

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Arthur F. Mayo
Senate Chair, Joint Standing Committee on Health and Human
Services
Rep. Hannah Pingree
House Chair, Joint Standing Committee on Health and Human
Services
122nd Legislature
Augusta, ME 04333

Dear Senator Mayo and Representative Pingree:

Please be advised that Governor John E. Baldacci has nominated
Robert McAfee of Portland for reappointment as a member of the
Board of Directors of Dirigo Health.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 15, 2005

Pursuant to Title 24-A M.R.S.A. §6904, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

The Following Communication: S.P. 428

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated John Sevigny of Portland for appointment as a member of the Maine State Housing Authority.

Pursuant to Title 30-A M.R.S.A. §4723, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Following Communication: S.P. 432

**122nd MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Thomas Delahanty of Falmouth for reappointment as a Justice of the Maine Superior Court.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 451

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
122nd Legislature
Augusta, ME 04333

Dear Senator Strimling and Representative Smith:

Please be advised that Governor John E. Baldacci has withdrawn his nominations of Joan Kirkpatrick, John Cooney, Rodney Hiltz, Glenn Burroughs, James Mingo and Gary Koocher for appointment to the Workers' Compensation Board.

These nominations are currently pending before the Joint Standing Committee on Labor.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **LABOR**.

Sent down for concurrence.

The Following Communication: S.C. 92

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

March 8, 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. 147 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Revoke the Voting Privileges of Persons Convicted of Certain Crimes
- L.D. 227 An Act To Ban Automated Teller Machines from within 500 Feet of Slot Machine Facilities

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. 93

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

March 8, 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 bills out "Ought Not to Pass":

- L.D. 164 An Act To Amend the Laws Governing Signs at Service Stations
- L.D. 259 An Act To Require Water Tests prior to the Sale of Homes

We have also notified the sponsors 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. 94

**MAINE STATE LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
AUGUSTA, MAINE 04333**

March 8, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 104 An Act To Require Cigarettes Sold in Maine To Be Fire-safe

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

Sincerely,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Patricia A. Blanchette
House Chair

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

The Following Communication: S.C. 95

**MAINE STATE LEGISLATURE
COMMITTEE ON MARINE RESOURCES
AUGUSTA, MAINE 04333**

March 8, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 386 An Act To Encourage the Scallop Industry
- L.D. 536 An Act To Create a Scallop Spat License
- L.D. 558 An Act To Protect the Recreational Harvesting of Surf Clams in Saco Bay

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

Sincerely,

S/Sen. Dennis Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

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

The Following Communication: S.C. 96

**MAINE STATE LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE
AUGUSTA, MAINE 04333**

March 8, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 22 Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Issue a Policy Clarifying Public Access Requirements for Ponds To Qualify for Fish Stocking Programs
- L.D. 217 Resolve, Directing the Department of Inland Fisheries and Wildlife To Review and Simplify Rules Governing Brook Trout Fishing
- L.D. 253 An Act To Employ an Additional Game Warden for the Sebago Lake Region
- L.D. 303 An Act To Promote Fairness and Democracy in Wildlife Management
- L.D. 340 Resolve, Directing the Department of Inland Fisheries and Wildlife To Review Brook Trout Fishing Rules

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

Sincerely,

S/Sen. Bruce Bryant
Senate Chair

S/Rep. Thomas R. Watson
House Chair

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

The Following Communication: S.C. 97

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

March 8, 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 bill out "Ought Not to Pass":

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 15, 2005

L.D. 92 An Act To Provide for Sales Tax Exemption
Reciprocity for School Groups Visiting Other
Jurisdictions

We have also notified the sponsor and cosponsors 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.**

SENATE PAPERS

An Act To Ensure Public Awareness of Pesticide Applications
S.P. 436 L.D. 1256

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative McKANE of Newcastle and
Senators: DAVIS of Piscataquis, BRYANT of Oxford, DAMON of
Hancock, Representatives: BRAUTIGAM of Falmouth, HUTTON
of Bowdoinham, LANSLEY of Sabattus, LINDELL of Frankfort,
TARDY of Newport, VAUGHAN of Durham.

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

Sent down for concurrence.

An Act To Allow Physicians Licensed in Other States but Trained
outside the United States To Practice Medicine in Maine
S.P. 441 L.D. 1261

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative CROSBY of Topsham and
Senators: BROMLEY of Cumberland, DOW of Lincoln, HOBBS of
York, Representatives: BEAUDETTE of Biddeford,
FARRINGTON of Gorham, O'BRIEN of Lewiston, PILON of Saco,
SMITH of Monmouth.

An Act To Contain Costs, Reduce Paperwork and Streamline the
Regulatory Process for Maine's Small Businesses
S.P. 443 L.D. 1263

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Senator SCHNEIDER of Penobscot,
Representative MILLS of Farmington, Representative SMITH of
Monmouth and Senators: DAMON of Hancock, HOBBS of
York, Representatives: AUSTIN of Gray, BEAUDETTE of

Biddeford, BRYANT of Windham, CANAVAN of Waterville,
CROSBY of Topsham, FARRINGTON of Gorham.

An Act To Extend the Kim Wallace Adaptive Equipment Loan
Program (EMERGENCY)

S.P. 447 L.D. 1267

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Speaker RICHARDSON of Brunswick and
Senators: BARTLETT of Cumberland, DIAMOND of Cumberland,
NASS of York, Representative: MERRILL of Appleton.

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

Sent down for concurrence.

An Act Concerning Concealed Firearms Permits
S.P. 434 L.D. 1254

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative HOTHAM of Dixfield and
Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln,
FLETCHER of Winslow, RICHARDSON of Greenville, SHIELDS
of Auburn.

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

Sent down for concurrence.

Resolve, To Establish a System for Verification of Proficiency for
Prelingually Deaf Candidates for Teacher Certification
S.P. 430 L.D. 1251

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative PERCY of Phippsburg and
Representative: NORTON of Bangor.

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 Increase Prospective Interim Payments to Certain
Rural Hospitals

S.P. 450 L.D. 1270

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PINGREE of North Haven and
Senators: MAYO of Sagadahoc, MILLS of Somerset,
Representatives: KOFFMAN of Bar Harbor, PERRY of Calais.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 15, 2005

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

Sent down for concurrence.

Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt and Follow a Rules Policy Regarding Inland Fishing
S.P. 433 L.D. 1253

Sponsored by Senator **DAVIS** of Piscataquis.
Cosponsored by Representative **ANNIS** of Dover-Foxcroft and Senator: **WOODCOCK** of Franklin, Representatives: **FLETCHER** of Winslow, **RICHARDSON** of Greenville.

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

Sent down for concurrence.

An Act To Change the Retirement Eligibility Requirements for Investigators in the Office of the Attorney General and the Department of the Secretary of State
S.P. 449 L.D. 1269

Sponsored by Senator **BARTLETT** of Cumberland.
Cosponsored by Representative **FARRINGTON** of Gorham and Senators: **STRIMLING** of Cumberland, **SULLIVAN** of York, Representatives: **BARSTOW** of Gorham, **DRISCOLL** of Westbrook, **FISHER** of Brewer, **MARLEY** of Portland.

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

Sent down for concurrence.

Resolve, Authorizing Dominic LaJoie To Sue the Department of Agriculture, Food and Rural Resources
S.P. 437 L.D. 1257

Sponsored by Senator **MARTIN** of Aroostook.
Cosponsored by Representative **SMITH** of Van Buren.

An Act To Establish Daily Loss Limits Relating to Slot Machines and Certain Games of Chance
S.P. 440 L.D. 1260

Sponsored by Senator **ANDREWS** of York.
Cosponsored by Senator: **STRIMLING** of Cumberland, Representative: **LEWIN** of Eliot.

An Act To Ensure Integrity in the Voting Process
S.P. 446 L.D. 1266

Sponsored by President **EDMONDS** of Cumberland.
Cosponsored by Representative **PINGREE** of North Haven and Senators: **MAYO** of Sagadahoc, **MITCHELL** of Kennebec, Representative: **WEBSTER** of Freeport.

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

Sent down for concurrence.

An Act Regarding Shellfish Harvesting
S.P. 429 L.D. 1250

Sponsored by President **EDMONDS** of Cumberland.
Cosponsored by Representative: **WEBSTER** of Freeport.

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

Sent down for concurrence.

Off Record Remarks

An Act To Ensure Environmental Justice
S.P. 435 L.D. 1255

Sponsored by Senator **STRIMLING** of Cumberland.

An Act To Protect Aquifers
S.P. 445 L.D. 1265

Sponsored by Senator **MITCHELL** of Kennebec.
Cosponsored by Representative **DAIGLE** of Arundel and Senator: **MARTIN** of Aroostook, Representative: **LERMAN** of Augusta.

An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses
S.P. 448 L.D. 1268

Sponsored by Senator **COWGER** of Kennebec.
Cosponsored by Representative: **TWOMEY** of Biddeford.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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

Sent down for concurrence.

Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services
S.P. 442 L.D. 1262

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative MARLEY of Portland and Senators: BROMLEY of Cumberland, MAYO of Sagadahoc, TURNER of Cumberland, Representatives: BOWEN of Rockport, DAIGLE of Arundel, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, SAVIELLO of Wilton.

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

Sent down for concurrence.

An Act To Lower the Cost of and Streamline the Legislative Process

S.P. 431 L.D. 1252

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative SAVIELLO of Wilton.

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

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

An Act To Amend Maine's Estate Tax Law

S.P. 444 L.D. 1264

Sponsored by Senator MILLS of Somerset.
Cosponsored by Representative WOODBURY of Yarmouth.

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

Sent down for concurrence.

An Act To Sustain Maine Schools and Libraries

S.P. 439 L.D. 1259

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative BLISS of South Portland and Senators: BARTLETT of Cumberland, MITCHELL of Kennebec, WESTON of Waldo, Representatives: ADAMS of Portland, CUMMINGS of Portland, Speaker RICHARDSON of Brunswick, THOMPSON of China.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Limit Terms for Members of the State Board of Education"

H.P. 186 L.D. 247

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 **TRANSPORTATION** on Bill "An Act To Amend the Law Pertaining to Nitrous Oxide Systems"

H.P. 67 L.D. 71

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 **TRANSPORTATION** on Bill "An Act Concerning Street Rod Standards"

H.P. 298 L.D. 395

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.

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Charity Appreciation Week"
H.P. 26 L.D. 23

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-24).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-24).**

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

READ ONCE.

Committee Amendment "A" (H-24) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on An Act To Assist Cellular Telephone Users
H.P. 265 L.D. 352

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

Signed:

Senators:

BARTLETT of Cumberland
COWGER of Kennebec
WESTON of Waldo

Representatives:

CURTIS of Madison
FITTS of Pittsfield
RINES of Wiscasset
MCLEOD of Lee
BRAUTIGAM of Falmouth
FLETCHER of Winslow
RICHARDSON of Skowhegan

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

Signed:

Representatives:

BLISS of South Portland
BABBIDGE of Kennebunk
ADAMS of Portland

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

Reports **READ.**

On motion by Senator **BARTLETT** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator DOW for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Applied Technology Development Centers Statutes"
S.P. 79 L.D. 226

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act Concerning Appeal Rights under the Maine Enterprise Option Program"
S.P. 51 L.D. 145

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 **TRANSPORTATION** on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2006"
S.P. 123 L.D. 375

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator DAMON for the Committee on **TRANSPORTATION** on An Act To Amend the Definition of Authorized Emergency Vehicle
S.P. 19 L.D. 39

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-16)**.

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

READ ONCE.

Committee Amendment "A" (S-16) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on An Act To Amend the Law Governing Use of Seat Belts
S.P. 25 L.D. 80

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

Signed:

Senators:

DAMON of Hancock
SAVAGE of Knox
DIAMOND of Cumberland

Representatives:

MARLEY of Portland
PARADIS of Frenchville
SAMPSON of Auburn
HOGAN of Old Orchard Beach
BROWNE of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representatives:

MAZUREK of Rockland
McKENNEY of Cumberland
COLLINS of Wells
THOMAS of Ripley

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

Senate

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

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

Sent down for concurrence.

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

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

SENATE PAPERS

An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories
S.P. 438 L.D. 1258

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative JACKSON of Fort Kent and Representative: SMITH of Van Buren.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 15, 2005

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

The Chair laid before the Senate the following Tabled and Later (3/10/05) Assigned matter:

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

S.P. 416 L.D. 1202

Tabled - March 10, 2005, by Senator **MAYO** of Sagadahoc

Pending - **REFERENCE**

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/10/05) Assigned matter:

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

H.P. 852 L.D. 1234

Tabled - March 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, March 10, 2005, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

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

The Chair laid before the Senate the following Tabled Unassigned matter:

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

S.P. 386 L.D. 1124

Tabled - March 10, 2005, by Senator **DAMON** of Hancock

Pending - **FURTHER CONSIDERATION**

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

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

(In House, March 8, 2005, **REFERRED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.)

On motion by Senator **DAMON** of Hancock, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 920

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, March 15, 2005 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day; and

WHEREAS, May 5, 2005 has been designated internationally as a Day of Remembrance of the Victims of the Holocaust and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of May 1st to May 8th as the Days of Remembrance of the Victims of the Holocaust, with the theme of "From Liberation to the Pursuit of Justice"; and

WHEREAS, it is appropriate for the people of the State of Maine to join in the national and international commemorations; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the national week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., and the Holocaust and Human Rights Center of Maine, on behalf of the people of the State of Maine.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances

H.P. 907 L.D. 1309

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.

An Act To Encourage Long-term Holding of Maine Timberland and Sustainable Forest Management

H.P. 902 L.D. 1305

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

On motion by Senator **GAGNON** of Kennebec, **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

An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities

H.P. 869 L.D. 1272

An Act Requiring Long-range Budget Planning

H.P. 875 L.D. 1278

An Act To Fund Fully the Purchase of Military Time (EMERGENCY)

H.P. 888 L.D. 1291

An Act To Assist Families and Children by Increasing Access to the Court System (EMERGENCY)

H.P. 890 L.D. 1293

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

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

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

PAPERS FROM THE HOUSE

House Papers

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 15, 2005

An Act Regarding Speech-language Pathology Aides
(EMERGENCY)

H.P. 874 L.D. 1277

An Act To Allow Applicants for Limited Radiographer Licenses To
Take Qualifying Views

H.P. 880 L.D. 1283

Resolve, To Establish the Commission to Study the Efficiency of
State Business Assistance Services (EMERGENCY)

H.P. 896 L.D. 1299

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.

Resolve, Directing the Secretary of State To Develop a Titling
System for Mobile Homes

H.P. 882 L.D. 1285

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

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

On motion by Senator **HOBBS** 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

An Act Regarding the Possession of an Electronic Weapon
H.P. 868 L.D. 1271

Resolve, To Standardize Procedures for Photographic Lineups
H.P. 906 L.D. 1308

An Act To Establish a Process for the Civil Commitment of
Certain Sexual Offenders

H.P. 919 L.D. 1321

An Act To Create the Crime of Producing Graffiti
H.P. 922 L.D. 1323

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Study Improving the Affordability and Predictability of
College Tuition for Maine Students

H.P. 876 L.D. 1279

An Act To Establish the Maine Enterprise Commerce Center of
Augusta

H.P. 892 L.D. 1295

Resolve, To Institute a State Magnet School for Languages
H.P. 910 L.D. 1312

An Act To Prohibit and Provide Penalties for the Issuance,
Manufacture and Use of False Academic Degrees or Certificates
H.P. 915 L.D. 1317

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

Resolve, To Encourage Personal and Family Financial
Management Education (EMERGENCY)
H.P. 916 L.D. 1318

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Provide Increased MaineCare Reimbursement Rates to Physicians with High Ratios of MaineCare Patients

H.P. 881 L.D. 1284

Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education (EMERGENCY)

H.P. 899 L.D. 1302

An Act Requiring Public Disclosure of Health Care Prices

H.P. 905 L.D. 1307

An Act To Ensure Rural Access to Prescription Drugs (EMERGENCY)

H.P. 908 L.D. 1310

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.

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

PAPERS FROM THE HOUSE

House Papers

An Act To Improve Access to Affordable Prescription Drugs

H.P. 923 L.D. 1324

An Act To Ensure Continuity of Care Related to Implementation of the Federal Medicare Drug Benefit

H.P. 924 L.D. 1325

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.

An Act To Amend the Child and Family Services and Protection Act

H.P. 918 L.D. 1320

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, **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

An Act To Allow the Use of All Muzzle-loading Firearms during Muzzle-loading Deer Season

H.P. 884 L.D. 1287

An Act To Provide Free Hunting and Fishing Permits to Senior Citizens

H.P. 895 L.D. 1298

An Act To Create the ATV Trail Advisory Council (EMERGENCY)

H.P. 897 L.D. 1300

Resolve, Establishing an Experimental Moose Lottery for Southern Maine

H.P. 911 L.D. 1313

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

On motion by Senator **GAGNON** of Kennebec, **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 Paper

An Act To Ban the Use of Traps and Dogs in Bear Hunting

H.P. 917 L.D. 1319

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

On motion by Senator **GAGNON** of Kennebec, **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

An Act To Require Additional Disclosure Regarding Private Mortgage Insurance

H.P. 883 L.D. 1286

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An Act To Register Nonbank Loan Officers
H.P. 900 L.D. 1303

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

An Act To Allow Indian Tribes To Operate Slot Machines
H.P. 871 L.D. 1274

An Act To Protect Certain Private Information Submitted to Municipalities
H.P. 872 L.D. 1275

An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System
H.P. 885 L.D. 1288

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.

An Act To Improve Economic Development of the Penobscot Nation
H.P. 870 L.D. 1273

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

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

On motion by Senator **HOBBINS** of York, **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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Define Marriage
H.P. 891 L.D. 1294

An Act To Provide for Victims of Trafficking
H.P. 893 L.D. 1296

An Act To Provide Just Compensation for Established Businesses During Eminent Domain Proceedings
H.P. 894 L.D. 1297

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 Paper

An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set
H.P. 873 L.D. 1276

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

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

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

PAPERS FROM THE HOUSE

House Papers

An Act To Ensure That Direct Initiatives Have Local Support
H.P. 878 L.D. 1281

An Act Allowing Liquor Tasting Events
H.P. 886 L.D. 1289

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 Paper

An Act Concerning Invasive Species and Water Quality Standards

H.P. 901 L.D. 1304

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

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

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

PAPERS FROM THE HOUSE

House Papers

An Act To Permit Recording Proceedings of the Legislature

H.P. 913 L.D. 1315

An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County

H.P. 914 L.D. 1316

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.

Resolve, To Study the Citizen Initiative Process

H.P. 889 L.D. 1292

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

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

On motion by Senator **SCHNEIDER** of Penobscot, **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

An Act To Support Affordable Housing

H.P. 898 L.D. 1301

An Act To Provide Safety Net Funds

H.P. 912 L.D. 1314

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

Resolve, To Name the New Augusta Bridge

H.P. 877 L.D. 1280

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.

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

PAPERS FROM THE HOUSE

House Papers

An Act To Clarify the Process To Enforce Dig Safe Requirements

H.P. 879 L.D. 1282

An Act To Improve Funding for Telecommunications Relay Services

H.P. 887 L.D. 1290

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.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying An Act To Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching

H.P. 867 L.D. 1249

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint

H.P. 866 L.D. 1248

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

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

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

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

An Act To License Home Building and Improvement Contractors
H.P. 903 L.D. 1306

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

On motion by Senator **GAGNON** of Kennebec, **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

Joint Resolution

The following Joint Resolution:

H.P. 904

**JOINT RESOLUTION MEMORIALIZING THE
CONGRESS OF THE UNITED STATES TO CONTINUE
ITS SUPPORT AND ADVOCACY FOR THE PORTSMOUTH
NAVAL SHIPYARD IN KITTERY, MAINE**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, within the year, Secretary of Defense Donald Rumsfeld, through the Base Realignment and Closure (BRAC) Commission, will make recommendations about which military installations are to be considered for closure in cost-cutting measures for the military; and

WHEREAS, the State of Maine has a distinct and important military installation that is potentially at risk for closure, the naval shipyard in Kittery, a shipyard located on an island in the Piscataqua River between New Hampshire and Maine, which specializes in maintaining and overhauling nuclear submarines; and

WHEREAS, the Portsmouth Naval Shipyard in Kittery is one of only 4 public shipyards in the nation, is vital to our maritime strength and is of major importance to the local economies of 3 states, employing almost 5,000 people from Maine, New Hampshire and Massachusetts; and

WHEREAS, the naval shipyard in Kittery has unobstructed access to the open ocean, delivers submarine overhauls ahead of

schedule, is in a very secure location and has the space to accommodate more personnel and duties; and

WHEREAS, the people of the State of Maine have long been at the forefront of our nation's defense, are first to join and send troops in any conflict and have a strong tradition of support and appreciation for the military bases within our borders; now, therefore, be it

RESOLVED: That We, your Memorialists, take this opportunity to convey our appreciation for the advocacy and support for the naval shipyard in Kittery that the Congress of the United States and the Maine Congressional Delegation have provided over the years, and we strongly urge the Congress of the United States to consider the importance of the naval shipyard in Kittery in this time of war on terrorism and the vital need to protect our nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/10/05) Assigned matter:

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

H.P. 864 L.D. 1246

Tabled - March 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

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

(In House, March 10, 2005, **REFERRED** to the Committee on **NATURAL RESOURCES**.)

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

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.

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 925

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry shall report out, to the House, a bill to allow the Executive Director of the Maine Land Use Regulation Commission within the Department of Conservation to assess a processing fee for certain projects.

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

READ and **PASSED**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/10/05) Assigned matter:

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

Tabled - March 10, 2005, by Senator **DIAMOND** of Cumberland

Pending - **REFERENCE**

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

(In House, March 10, 2005, **REFERRED** to the Committee on **JUDICIARY**.)

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

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Senator **ROTUNDO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, March 17, 2005, at 10:00 in the morning.