

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
Tuesday
March 22, 2005

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

Prayer by Reverend Virginia Marie Rincon of the Christ Episcopal
Church in Biddeford.

REVEREND RINCON: Good morning. I thank the members of
the Senate and the Honorable Beth Edmonds for inviting me to
begin the day with you. Let us pray.

We welcome the day with open minds and hearts. We give
thanks for the beauty of the earth and for this day especially. We
ask for guidance in our deliberations, our challenges, and also our
new awakenings. May our families, friends, and our communities
find some hope in the work that we do today and may we
continue to pray for peace, abundance, and blessings for all of
humanity. Amen.

Pledge of Allegiance led by Senator Christine R. Savage of Knox
County.

Doctor of the day, Dr. Kevin Kendall of Freeport.

Reading of the Journal of Thursday, March 17, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 951

ORDERED, the Senate concurring, that joint standing
committees shall receive testimony from individuals and groups
that represent multiple perspectives during public hearings.

Comes from the House, **READ** and **REFERRED** to the Joint
Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT
RULES**, in concurrence.

The following Joint Order:

H.P. 950

ORDERED, the Senate concurring, that the Joint Standing
Committee on Business, Research and Economic Development
and the Joint Standing Committee on State and Local
Government shall study the feasibility of transferring the
responsibilities of municipal economic departments to regional
economic departments. The Joint Standing Committee on
Business, Research and Economic Development and the Joint
Standing Committee on State and Local Government shall jointly
report out a bill on their findings.

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

READ.

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

COMMUNICATIONS

The Following Communication: S.C. 105

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
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 Agriculture, Conservation and
Forestry has voted unanimously to report the following bill out
"Ought Not to Pass":

L.D. 538 An Act Requiring Dog Owners To Obtain Dog
License Vouchers at the Time of Obtaining
Rabies and Other Immunizations

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

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

S/Rep. John F. Piotti
House Chair

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

March 14, 2005

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

The Following Communication: S.C. 106

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

Dear President Edmonds and Speaker Richardson:

March 14, 2005

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

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

L.D. 324 An Act To Clarify Ownership and Management
of Architectural Firms

Dear President Edmonds and Speaker Richardson:

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

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

- L.D. 54 An Act To Reduce Workers' Compensation Costs for Small Business Employers
- L.D. 393 An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges
- L.D. 540 An Act To Clarify the Rate of Interest on Awards for Workers' Compensation Benefits
- L.D. 569 An Act To Correct an Inequity in Calculating Maine State Retirement Benefits

S/Rep. Deborah Pelletier-Simpson
House Chair

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

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

The Following Communication: S.C. 108

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

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

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

March 17, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 305 An Act To Encourage the Use of Clean Fuel Vehicles

The Following Communication: S.C. 107

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 22, 2005

- L.D. 598 An Act To Provide an Income Tax Modification for the Federal Empowerment Zone Employment Credit
- L.D. 745 An Act To Clarify the Definition of "Grocery Staples" To Include Pure Maple Syrup under the Tax Laws
- L.D. 747 An Act To Provide a Sales Tax Exemption during the Holiday Season for Nonprofit Organizations That Purchase Gifts for Underprivileged Children
- L.D. 778 An Act To Exempt the Sale of Electric, Hybrid or Hydrogen-Fueled Vehicles from State Sales Tax and Excise Tax
- L.D. 782 An Act To Provide a Capital Gains Tax Exemption for the Sale of a Business or Unimproved Property for a Taxpayer 50 Years of Age or Older
- L.D. 785 An Act To Allow Employers To Take a Tax Deduction for Their Employees' Transportation Costs

- L.D. 251 An Act To Amend the Laws Governing Custodian Release Conditions
- L.D. 280 An Act To Amend the Penalties Involving High-speed Vehicle Pursuits
- L.D. 534 An Act To Clarify the Authority of the Maine State Police

We have also notified the sponsors and cosponsors of each bill listed 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.**

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

Sincerely,

S/Sen. Joseph Charles Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 109

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

March 17, 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 bills out "Ought Not to Pass":

SENATE PAPERS

Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Program

S.P. 482 L.D. 1393

Sponsored by Senator MILLS of Somerset.
Cosponsored by Representative: PINKHAM of Lexington Township.

Bill "An Act Regarding National Forests"

S.P. 484 L.D. 1395

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative McLEOD of Lee and Senators: ANDREWS of York, BRYANT of Oxford, CLUKEY of Aroostook, DAMON of Hancock, DAVIS of Piscataquis, MARTIN of Aroostook, MILLS of Somerset, NUTTING of Androscoggin, PLOWMAN of Penobscot, ROSEN of Hancock, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, WESTON of Waldo, Representatives: ANNIS of Dover-Foxcroft, BRYANT-DESCHENES of Turner, CARR of Lincoln, CLARK of Millinocket, DUCHESNE of Hudson, EDGECOMB of Caribou, FISCHER of Presque Isle, FLETCHER of Winslow, FLOOD of Winthrop, HOTHAM of Dixfield, JACKSON of Fort Kent, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, LUNDEEN of Mars Hill, MAREAN of Hollis, McFADDEN of Dennysville, MERRILL of Appleton, MILLS of Farmington, PARADIS of Frenchville, PERRY of Calais, PIOTTI of Unity, RICHARDSON of Greenville, RICHARDSON of Skowhegan, SAVIELLO of Wilton, SHERMAN of Hodgdon, TARDY of Newport, THOMAS of Ripley, TWOMEY of Biddeford.

LEGISLATIVE RECORD - SENATE, TUESDAY, MARCH 22, 2005

Bill "An Act To Preserve Public Access and Job Opportunities in the North Woods"

S.P. 495 L.D. 1406

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative PIOTTI of Unity and Senator: NUTTING of Androscoggin, Representatives: FLOOD of Winthrop, JENNINGS of Leeds, KAELIN of Winterport, KOFFMAN of Bar Harbor, PINEAU of Jay, SAVIELLO of Wilton, SMITH of Monmouth.

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

Sent down for concurrence.

Bill "An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing"

S.P. 492 L.D. 1403

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Senators: DAVIS of Piscataquis, HASTINGS of Oxford, PLOWMAN of Penobscot, WESTON of Waldo, Representatives: GERZOFKY of Brunswick, RECTOR of Thomaston, ROBINSON of Raymond, SMITH of Monmouth.

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 Update Teachers' Minimum Salaries"

S.P. 480 L.D. 1381

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative DAVIS of Falmouth and Senators: MILLS of Somerset, NUTTING of Androscoggin, SCHNEIDER of Penobscot, Representatives: BABBIDGE of Kennebunk, CAIN of Orono, FISCHER of Presque Isle, MAKAS of Lewiston, NORTON of Bangor.

Bill "An Act Regarding the Wells-Ogunquit Community School District"

S.P. 486 L.D. 1397

Sponsored by Senator ANDREWS of York.
Cosponsored by Representative MOULTON of York.

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

Sent down for concurrence.

Bill "An Act To Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund"
S.P. 490 L.D. 1401

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative MILLETT of Waterford and Senators: DAMON of Hancock, MARTIN of Aroostook, MAYO of Sagadahoc, SNOWE-MELLO of Androscoggin, STRIMLING of Cumberland, Representatives: NUTTING of Oakland, PERRY of Calais.

Bill "An Act To Increase the Quality of Care and Reduce Administrative Burdens in the Pharmacy Prior Approval Process"
S.P. 493 L.D. 1404

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative BRAUTIGAM of Falmouth and Senators: MAYO of Sagadahoc, MILLS of Somerset, MITCHELL of Kennebec, STRIMLING of Cumberland, Representatives: BARSTOW of Gorham, NUTTING of Oakland, PERRY of Calais, TARDY of Newport.

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

Sent down for concurrence.

Bill "An Act To Prepare Maine for Public Health Emergencies"
S.P. 494 L.D. 1405

Sponsored by Senator MAYO of Sagadahoc.
Cosponsored by Representative MILLER of Somerville and Senators: ROSEN of Hancock, WOODCOCK of Franklin, Representatives: BURNS of Berwick, CAMPBELL of Newfield, CANAVAN of Waterville, DUNN of Bangor, GERZOFKY of Brunswick, NASS of Acton.
Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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.

Bill "An Act To Require That Judicial Hearings Be Conducted in Hospitals Providing Involuntary Inpatient Psychiatric Services"
S.P. 483 L.D. 1394

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative MARLEY of Portland and Senators: GAGNON of Kennebec, MAYO of Sagadahoc, SCHNEIDER of Penobscot, Representatives: ADAMS of Portland, BARSTOW of Gorham, CUMMINGS of Portland, PINGREE of North Haven.

Bill "An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them"
S.P. 491 L.D. 1402

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Senators: HASTINGS of Oxford, PERRY of Penobscot, RAYE of Washington, Representatives: CARR of Lincoln, DUCHESNE of Hudson, PINGREE of North Haven, ROSEN of Bucksport, SHERMAN of Hodgdon.

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

Sent down for concurrence.

Bill "An Act To Establish Permanent Subsidized Guardianship"
S.P. 481 L.D. 1382

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative SOCKALEXIS of the Penobscot Nation and Representatives: FAIRCLOTH of Bangor, WALCOTT of Lewiston.
Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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

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

Sent down for concurrence.

Bill "An Act To Align Federal and State Child Labor Laws"
S.P. 487 L.D. 1398

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative COLLINS of Wells and Senators: CLUKEY of Aroostook, DIAMOND of Cumberland, DOW of Lincoln, NUTTING of Androscoggin, SULLIVAN of York, Representatives: McCORMICK of West Gardiner, MILLS of Farmington.

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

Sent down for concurrence.

Bill "An Act To Increase College Scholarships"
S.P. 488 L.D. 1399

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Representative CUMMINGS of Portland and Senators: BARTLETT of Cumberland, SCHNEIDER of Penobscot, STRIMLING of Cumberland, Representatives: ADAMS of Portland, BARSTOW of Gorham, PINGREE of North Haven.

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

Sent down for concurrence.

Bill "An Act To Amend Water Quality Standards"
S.P. 496 L.D. 1450

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: BRYANT of Oxford, RAYE of Washington, Representatives: CLARK of Millinocket, HOTHAM of Dixfield, PATRICK of Rumford, PERRY of Calais.
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.

Off Record Remarks

Bill "An Act To Protect Use of Municipal Seals"
S.P. 479 L.D. 1380

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative RECTOR of Thomaston and Senators: DAVIS of Piscataquis, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, Representatives: BOWLES of Sanford, TARDY of Newport.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code"
S.P. 489 L.D. 1400

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

Bill "An Act To Create a Specialty License Plate for Members of the Maine National Guard"

S.P. 485 L.D. 1396

Sponsored by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: DAMON of Hancock, DAVIS of Piscataquis, MITCHELL of Kennebec, RAYE of Washington, ROSEN of Hancock, Representatives: BOWLES of Sanford, MARRACHÉ of Waterville, PARADIS of Frenchville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:
The Hall-Dale High School Boys Basketball Team, winners of the Class C State Basketball Championship. We congratulate them on their victory and extend our best wishes to the team and coaches;

SLS 178

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative: McCORMICK of West Gardiner.

READ.

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

Senator **COWGER:** Thank you, Madame President and colleagues of the Senate. It is my distinct pleasure today to welcome to this chamber the Hall-Dale High School Boys Basketball team and to congratulate them on their stellar performance this year. Their victory this year against Dexter High

School just a few weeks ago earned them the title of Maine Class C State Champion in boys basketball and has brought joy to a school that has gone so long without a championship. This marks the first time since 1974 that Hall-Dale has won a regional or statewide title, so today is truly a noteworthy occasion. This is a very special team from a very special school. Many of the boys in this team have known each other for a long time and they have played basketball together since their travel team days back in elementary school, although I want to point out that there are some noteworthy and very welcome newcomers to the team as well. Over the course of this past season fans began to wait expectantly for Matt Wheelock's slam dunks or Jack Leet's three-pointers. What was impressive this year was the coming together of this team. This team has a powerful commitment to the game and it was their desire to do well as a team that set them apart, not just as individuals but as a team. I also want to acknowledge the important role that Coach Chris Ranslow has played. He's worked very hard to bring this team to where it is today. For those of you who don't know, Chris actually ran for office in the state Legislature several years ago. With that, I just want to thank the entire team on this terrific accomplishment and wish them the best of luck in the future. Good luck. Congratulations Hall-Dale. Good job.

PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Education in the Unorganized Territory"
H.P. 427 L.D. 594

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 Allow Animal Control Officers and Individuals Who Collect Trash To Use Flashing Amber Lights on Their Vehicles"
H.P. 89 L.D. 113

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 **LABOR** on Bill "An Act Relating to the Treatment of Employers and Military Personnel in Connection with 'Call to Duty' Activity"

H.P. 141 L.D. 190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-26)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26)**.

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

READ ONCE.

Committee Amendment "A" (H-26) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, To Require That the Department of Transportation Install a Traffic Light in West Enfield

H.P. 164 L.D. 213

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

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
FISHER of Brewer
SAMPSON of Auburn
HOGAN of Old Orchard Beach
MAZUREK of Rockland
McKENNEY of Cumberland

BROWNE of Vassalboro

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

Signed:

Representatives:

PARADIS of Frenchville
COLLINS of Wells
THOMAS of Ripley

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

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **SCHNEIDER:** Thank you, Madame President. I rise to speak to this piece of legislation that would enable us to put a traffic light in West Enfield at a very busy and dangerous intersection. I speak from the heart and with the knowledge that even one of our own Representatives, Representative Blanchard, was nearly killed at this very intersection. I will not vote in favor of this Ought Not to Pass report. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I, too, rise to join the Senator from Penobscot, Senator Schneider, in speaking against the pending motion. L.D. 213 would provide for the installation of a traffic light at the intersections of Route 2 and 155 in West Enfield. For anybody who has visited this region of our state, you will know that this is in close proximity to both a gas station and a school less than a mile and a half away. It is a heavily traveled piece of road. I've spoken with two retired State Troopers who have covered, during the course of their years, many fatalities and grievous injuries as a result of accidents at this intersection. It is renowned in this part of Maine for being a dangerous intersection. DOT has resisted this based on the numbers, based on the amount of traffic. That system has failed the people of the region in this instance. It is a reflection of the rural parts of our state that those numbers won't be as high as they might be in Portland or Gorham, but the lives of the people who travel through that intersection are every bit as important as the lives of people who pass through intersections in more populace areas. We are left, as this Legislature, as being the arbitrator in this case. The town has long requested a traffic light to spare other families the grief of losing loved ones or suffering grievous injury. It is my understanding that this will be

accomplished for a cost of \$80,000, which can be done within the existing budget. I hope you will join with me in opposing the Ought Not to Pass report. Thank you.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Senate

Change of Committee

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing Municipalities To Establish Walking Trails"

S.P. 165 L.D. 539

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

Ought to Pass As Amended

Senator BARTLETT for the Committee on **LABOR** on Bill "An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases"

S.P. 97 L.D. 302

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-20)**.

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

READ ONCE.

Committee Amendment "A" (S-20) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Declare That April 6, 2005 Be National Day of Hope (EMERGENCY)

S.P. 158 L.D. 532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-19)**.

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

READ ONCE.

Committee Amendment "A" (S-19) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Provide Public Health Protection Authority to the Department of Marine Resources"

S.P. 228 L.D. 691

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

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
ANDREWS of York

Representatives:

DUGAY of Cherryfield
PERCY of Phippsburg
ASH of Belfast
EDER of Portland
KAELIN of Winterport
ADAMS of Portland

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

Signed:

Representatives:

FLETCHER of Winslow
EMERY of Cutler
SEAVEY of Kennebunkport
CRESSEY of Cornish

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of the Legislature To Enact or Increase a Tax

S.P. 56 L.D. 150

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

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

Signed:

Senator:

ANDREWS of York

Representatives:

McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I would ask you not to support this motion; Ought Not to Pass. I don't know about a lot of you but when I go door-to-door in my district one of the things that I hear from my constituents, and citizens all over, is 'Why are you enacting another tax?' They are extremely frustrated with what we do up here. I think it's only reasonable when we're going to pose something that is going to affect the whole State of Maine with an increase in tax that it should be done by a 2/3 vote of this Legislature. I would ask you not to support the Ought Not to Pass and when the vote is taken I would request the yeas and nays.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President, men and women of the Senate. I would just simply rise to echo and confirm the comments of our colleague from York, Senator Andrews. I believe that this is needed. I believe the last few days have shown that negotiations are needed. Sometimes these things have to be in statute or in the constitution for it to happen. Thank you very much.

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

Senator **SCHNEIDER:** Thank you, Madame President and good men and women of the Senate. This particular piece of legislation, should it go through, violates the principles of majority rule. Our committee deliberated for some time and we believe, the majority believes, that this would contribute to a potential deadlock. I believe we have often, this body and the House, deliberated and compromised and sometimes we just cannot reach a compromise that is to the satisfaction of both sides of the aisles. That is why we have majority rule. I would hope that you would follow the Ought Not to Pass motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#24)

YEAS: Senators: **BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS**

NAYS: Senators: **ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK**

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

SECOND READERS

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

Senate

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

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Credit Utility Customers with Certain Amounts Paid as Fines"

S.P. 36 L.D. 94
(C "A" S-18)

Bill "An Act To Support the Department of Conservation, Bureau of Forestry's Aerial Fire Suppression Program"

S.P. 37 L.D. 95
(C "A" S-17)

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.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/15/05) Assigned matter:

Bill "An Act To Improve Economic Development of the Penobscot Nation"

H.P. 870 L.D. 1273

Tabled - March 15, 2005, by Senator **HOBBS** of York

Pending - **REFERENCE**

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

(In House, March 15, 2005, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.)

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

The Chair laid before the Senate the following Tabled and Later (3/15/05) Assigned matter:

Resolve, To Study the Citizen Initiative Process
H.P. 889 L.D. 1292

Tabled - March 15, 2005, by Senator **SCHNEIDER** of Penobscot

Pending - **REFERENCE**

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

(In House, March 15, 2005, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.)

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board"

S.P. 71 L.D. 218

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-21)**.

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

READ ONCE.

Committee Amendment "A" (S-21) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (3/17/05) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit the Federal Government from Owning Property in the State Not Specifically Authorized in the United States Constitution"

H.P. 69 L.D. 73

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-27)** (4 members)

Tabled - March 17, 2005, by Senator **SCHNEIDER** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, March 15, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 17, 2005, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I rise in opposition of the Ought Not to Pass and would like to give you a little history. This bill was brought forward by the good Representative Joy from the other body. His concern had to do with the prospect of a national park, which we heard a lot of rumors about, being proposed to be established up in northern Maine. The bill, as originally presented, was really not acceptable to any of us. However, some of us feel a concern that perhaps the voice of the towns and the average citizen up in that part of Maine, which some people call the Other Maine, might not be heard. What I would ask you to do is not to accept the Majority Ought Not to Pass report and allow us to go on to the Minority Report which completely changes the bill but does give the citizens in the area that is to be effected a voice as to whether or not they lose their homes, whether or not they lose their town, whether or not they lose their township. I would ask that you vote against Ought Not to Pass and when the vote is taken I request the yeas and nays.

On motion by Senator **ANDREWS** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **SCHNEIDER:** Thank you, Madame President. I encourage the good members of this body to vote Ought Not to Pass on this particular issue. This issue originally came to us in a form that would have required the state to purchase back all the Federal lands, which would have been in the multiple billions of

dollars. It was then modified in such a manner that would have eliminated local control over their future. This is a bill that I believe was brought forward because of the fear of the potential of a park in the future in the north woods. I heard it expressed when I went door-to-door that there was a concern that there would not be enough public input on this kind of an issue and that the Federal government might shove this idea down the throats of people in the north area of our state. I think it's important to air out these fears and to discuss them. I also don't believe it is in the best interest of the people of the State of Maine to act out of fear. We need to have deliberate and thoughtful consideration about the facts. I can only imagine a state where we wouldn't have any great national parks to enjoy today. It would be horrible if we did not have Acadia National Park, for example. This bill, as amended, would eliminate the Federal government from future holdings and I don't believe that is in the best interest of the people nor do I believe that this gives the people of the State of Maine an opportunity to consider such actions if they desire it. There are two sides to every coin and I believe, on this particular issue, we would be taking away local control. There are many hurdles that the Federal government have to go over in order for a park to even be considered, many opportunities for the public to have their voices heard, many public forums, and it will take virtually years. Frankly, I'd be more concerned about the parks that we currently have being drilled, not the fact that there might be an opportunity for future economic development by creating a park. I believe we should leave this up to the people and leave it up to the good process that now exists that allows an enriched and deliberate debate on this issue. I urge my fellow colleagues to vote Ought Not to Pass on this item. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. I rise in support of the Senator from York, Senator Andrews. It is my understanding, having read through the amendment, that the piece of the bill that would have directed that the state obtain the land from the Federal government is now gone and what we are essentially voting on is whether or not the people who reside in the communities and in the communities abutting any proposed national park have a voice. There is very specific language. This relates to the imposition of a national park that if the study sought for the formation of a park, it must be approved by 2/3 of all the voters in the communities within and abutting the proposed park. I would submit that this does leave it up to the people and I would support the motion of the Senator from York, Senator Andrews. Thank you.

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

Senator **MARTIN:** Members of the Senate and Madame President, I find this bill offensive, quite frankly. We, at this moment and in this state, are fighting the possibility of losing two military installations, Kittery and Brunswick. Both of them are Federal institutions. At the same time we are saying to the Federal government, 'Don't come and help us.' We can't argue both sides of that coin. We want to save these two institutions.

We want the Federal government to keep those bases here. We want their help. Let's not send a message that we don't care.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **PLOWMAN:** Thank you, Madame President and men and women of the Senate. The biggest thing that the people who live in this area fear is help from the Federal government. They may not want the help that is offered. You've heard the joke, 'Hi, I'm here from the Federal government and I'm going to help you.' Frankly, I don't think we're here to comment on what is happening with Congress and the other places. We are in a mess. We're going to pass something called 'National Family Reunion Day' and let's have a national 'Hope Day'. I really wish we'd get back to business. The people want local control. They want to be able to say, if Congress gets this great idea, 'Do we have to live with this?' It's all fine and good when the representation comes from other parts of the state about what you are going to tell these people to do. We give people local control all the time, and in fact, I believe that the good Senator, when he was a Representative, wrote papers on local control and how he supports it. This is his chance to show it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President and men and women of the Senate. I hope that our good Senator from Aroostook, Senator Martin, isn't asking us to be wary of voting for this as a threat for our base closures. I would contend that these are two very different issues and that we should not, in any way, consider them side-by-side or relating one to the other. Thank you.

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

Senator **MARTIN:** I just need to respond very quickly that we all know how messages get translated in the newspaper, by members of this body, by members of the United States Senate, by members of the national Administration, by members of the military, and especially by the commission that will be studying this issue.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President. I appreciate the good words from the Senator from Aroostook, Senator Martin, but I would say that in my travels in the last year or so that the message has been very clear. The people do not want the Federal government imposing a national park on them in northern Maine. It's very clear. In response to comments by one of the speakers about acting out of fear, I can tell you it is what they fear in northern Maine. They do not want this to happen. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Indefinitely Postpone the Bill and accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#25)

YEAS: Senators: **BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS**

NAYS: Senators: **ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOW-MELLO, TURNER, WESTON, WOODCOCK**

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED**.

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 Certain Milk and Milk Products Laws"
H.P. 990 L.D. 1426

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.

Bill "An Act To Reestablish the Milk Handling Fee"
H.P. 996 L.D. 1432

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

On motion by Senator **NUTTING** 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

Bill "An Act Regarding the Licensing of Foresters"
H.P. 960 L.D. 1383

Bill "An Act To Amend Dental Hygienist Licensing Requirements"
H.P. 962 L.D. 1385

Bill "An Act To Protect Consumers Regarding Motor Vehicle Rentals"
H.P. 976 L.D. 1412

Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work
H.P. 987 L.D. 1423

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.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Scope of Practice of Registered Cardiovascular Invasive Specialists"
H.P. 991 L.D. 1427

Bill "An Act Concerning the Measurement of Firewood"
H.P. 1005 L.D. 1441

Bill "An Act To Require the Owner of a Service Dog To Show a Certificate of Completion of a Basic Obedience Class from a Service Dog Trainer in Order for That Dog To Be Admitted to a Retail Establishment or Restaurant"
H.P. 1007 L.D. 1443

Bill "An Act To Protect the Integrity of Maine State Housing Authority Funds"
H.P. 1009 L.D. 1445

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 Sex Offender Registration and Notification Act of 1999"
H.P. 997 L.D. 1433

Bill "An Act To Increase the Penalties for Cemetery Damage"
H.P. 1003 L.D. 1439

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

Bill "An Act Concerning Town Academies and the System of Learning Results"
H.P. 963 L.D. 1386

Resolve, To Develop a Statewide Entrepreneurship Curriculum from Kindergarten through College
H.P. 964 L.D. 1387

Bill "An Act To Allow Municipalities To Offer Subsidies to Parents To Send Their Children to Other Schools"
H.P. 971 L.D. 1407

Bill "An Act To Simplify Implementation of the Maine Learning Results"
H.P. 988 L.D. 1424

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 Papers

Bill "An Act To Support the Efficient Implementation of Maine's Learning Results" (EMERGENCY)

H.P. 989 L.D. 1425

Resolve, Regarding Teacher Certification Requirements
H.P. 1008 L.D. 1444

Bill "An Act To Amend the Law Regarding Certification of Educational Personnel"

H.P. 1010 L.D. 1446

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 Require Admission Policies for Hospitals Providing Swing Bed Services"

H.P. 1002 L.D. 1438

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 Paper

Bill "An Act To Amend the Maine Consumer Credit Code"
H.P. 980 L.D. 1416

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 Assist Businesses To Retain Seasonal Employees and Reduce the Burden on the Bureau of Unemployment Compensation"

H.P. 961 L.D. 1384

Bill "An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area"
H.P. 974 L.D. 1410

Bill "An Act To Amend the Laws Regarding Certain Employment-related Matters"

H.P. 983 L.D. 1419

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 Amend Maine Election Law by Instituting a Statewide Vote-by-mail System"

H.P. 965 L.D. 1388

Bill "An Act To Encourage a Vote-by-Mail System in Maine"
H.P. 1000 L.D. 1436

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

Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

H.P. 1013 L.D. 1449

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

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions

H.P. 972 L.D. 1408

Bill "An Act To Modernize Regulation of Sand and Gravel Pits"

H.P. 992 L.D. 1428

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 Authorize Municipalities To Create Municipal Fire Districts"

H.P. 978 L.D. 1414

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Voters Control the Cost of Government

H.P. 986 L.D. 1422

Bill "An Act To Adopt the Municipal Secession and Annexation Procedure for the Town of Islesboro"

H.P. 995 L.D. 1431

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.

Bill "An Act To Assist in the Investigation and Prosecution of Theft Offenses"

H.P. 973 L.D. 1409

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

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

Bill "An Act To Broaden the Sales Tax Base and Lower the Sales and Use Tax and Service Provider Tax Rates"

H.P. 1001 L.D. 1437

Bill "An Act To Stabilize and Strengthen the MaineCare Program" (EMERGENCY)

H.P. 1012 L.D. 1448

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 Papers

Bill "An Act To Amend the Laws Governing the Size, Placement and Use of Certain On-premises Signs"

H.P. 993 L.D. 1429

Bill "An Act To Establish Special License Plates To Honor Maine Residents Serving Overseas" (EMERGENCY)

H.P. 994 L.D. 1430

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

Bill "An Act To Subject Prepaid Wireless Telephone Service to E-9-1-1 Funding Requirements"

H.P. 982 L.D. 1418

Bill "An Act To Reform the Renewable Electricity Portfolio Standard"

H.P. 998 L.D. 1434

Bill "An Act Establishing Minimum Energy Efficiency Standards for Certain Products Sold or Installed in the State"

H.P. 999 L.D. 1435

Bill "An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas"

H.P. 1004 L.D. 1440

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
Department of Corrections**

The **Department of Corrections**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections (EMERGENCY)

H.P. 968 L.D. 1391

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 Resolve **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

Bill "An Act To Facilitate Energy Self-sufficiency for Maine's Offshore Islands"

H.P. 1006 L.D. 1442

Comes 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
Department of Public Utilities**

The **Department of Public Utilities**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 969 L.D. 1392

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

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

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

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

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

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

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

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. 1015

**JOINT RESOLUTION IN HONOR OF THE
MAINE FARMER AND MAINE AGRICULTURE**

WHEREAS, recent statistics show that Maine's 7,150 farms, the bulk of which are small farms, provide full-time and part-time employment to more than 65,000 workers, approximately 10% of the State's workforce; and

WHEREAS, Maine's agricultural enterprises and associated industries provide more than 500 million dollars in the sale of farm products and contribute more than 1.2 billion dollars annually to the State's economy; and

WHEREAS, Maine farmers are the stewards of 1,355,000 acres of land, a vital resource in maintaining the food security of Maine people, and an overwhelming majority of Maine people

believe that buying local Maine agricultural products helps the State; and

WHEREAS, Maine is first in New England in the production of food, first in the world in the production of wild blueberries, the world leader in the production of brown eggs, 2nd in the Nation in the production of maple syrup, 6th in the Nation in the production of fall potatoes, 2nd in New England in milk and livestock production and the only state anywhere involved in the production of fiddleheads; and

WHEREAS, agriculture shaped Maine's past, maintains much of Maine's scenic open space, provides recreational opportunities, makes a significant contribution to the nature and character of Maine's many rural communities and provides for a strong future; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Regular Session, pause in our deliberations to honor Maine farmers and innovators who have contributed so much to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources in token of the esteem in which those in this vital field are held.

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

READ and **ADOPTED**, in concurrence.

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, March 23, 2005, at 10:00 in the morning.