

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

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

In Senate Chamber
Wednesday
April 6, 2005

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

Prayer by Rabbi Raymond Krinsky of the Beth Israel Congregation of Waterville.

RABBI KRINKSY: Almighty God, we pray Your blessing upon our Senators as they continue to promulgate the laws for our state. May they remain steadfast in their resolve to achieve fairness and justice for our citizens, even while they are caught up in the give and take of political realities. May they vigorously pursue the intent of their principles while recognizing that compromise can also be heroic. May their earnest commitment to their constituencies enhance their concern for the compelling needs of the larger community. Give them the strength to sail beyond the lands of familiar ideologies and the courage to explore the uncharted waters of novel ideas. Give them the vision of a greater day for the State of Maine and the will to bring to it their considerable talents for its realization. Give them the wisdom to deal compassionately as well as pragmatically with that great challenge to government, its responsibility to serve and to care for the governed. May we, whom they represent, also contribute substantially of our civic sensibilities by becoming informed, concerned, and involved constituents. Amen.

Pledge of Allegiance led by Senator Margaret Rotundo of Androscoggin County.

Reading of the Journal of Tuesday, April 5, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Funeral Establishments To Counsel Next of Kin on Embalming"

H.P. 1090 L.D. 1549

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.

Bill "An Act To Establish the Arsonist Registration Act"

H.P. 1091 L.D. 1550

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

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

Bill "An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks"

H.P. 1083 L.D. 1542

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

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

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 145

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

April 1, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

LEGISLATIVE RECORD - SENATE, WEDNESDAY, APRIL 6, 2005

- L.D. 854 An Act To Ban the Distribution of Children's Products That Contain Mercury Batteries
- L.D. 1022 An Act To Amend the Laws Governing Shoreland Zoning
- L.D. 1071 Resolve, To Conform Oil Tank Piping Leakage Detection Standards to Federal Law
- L.D. 1097 Resolve, To Discourage After-the-fact Department of Environmental Protection Applications

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

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

The Following Communication: S.C. 146

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

April 1, 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. 115 An Act Enabling Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes
- L.D. 241 An Act To Ensure That the Exemption for Pensions Is Applied Fairly
- L.D. 365 An Act To Provide the Veterans' Property Tax Exemption to All Veterans
- L.D. 736 An Act To Provide Property Tax Relief to County Taxpayers

- L.D. 828 An Act To Have Counties Retain All the Proceeds from the Real Estate Transfer Tax
- L.D. 965 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide a \$5,000 Property Tax Exemption to Veterans, Regardless of Home Value
- L.D. 1019 An Act To Increase the Tax Imposed on Lodging
- L.D. 1086 An Act To Increase the Real Estate Transfer Tax on Out-of-state Purchasers
- L.D. 1103 An Act To Provide Funding to the Land for Maine's Future Fund

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. 147

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

March 24, 2005

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 86 An Act To Increase the Availability of Individual Health Insurance in Maine
- L.D. 127 An Act To Require Health Insurance Policies To Provide Coverage for Physical, Occupational and Speech Therapy

- L.D. 448 An Act To Require Health Insurers To Cover the Cost of Sign Language Interpreters for All Nonhospital Medical Appointments
- L.D. 743 An Act To Streamline the Appeals Process for the Determination of Certain Health Insurance Benefits
- L.D. 909 An Act To Help Home Day Care Providers Obtain Homeowners and Liability Insurance
- L.D. 920 An Act To Require Insurance Companies To Provide Truthful Information

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

SENATE PAPERS

Bill "An Act To Make Technical Amendments to the Maine Uniform Trust Code" (EMERGENCY)

S.P. 538 L.D. 1551

Sponsored by Senator MILLS of Somerset.

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

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Lionel C. Guay, Jr., of Lewiston, who has been inducted in the Franco-American Hall of Fame. Mr. Guay has lived an exemplary life of public service and advocacy for the Franco-American heritage of the Lewiston-Auburn area. Besides being mayor of this well-known bastion of the French language and Franco-American culture, he has been the chairperson of the very successful and popular Festival de Joie for 12 years, chairperson of the Franco-American Center at St. Marys for 4 years and Grand Knight of Knights of Columbus Council 106. He has served on the Lewiston-Auburn Excels Steering Committee, the Lewiston-Auburn Civic Leadership Institute, the Lewiston Downtown Advisory Board and the Lewiston Board of Appeals. Mr. Guay has received the Community Service Leadership Award, the Lewiston Citizen of the Year Award, the State of Maine Recognition Award, the Sisters of Charity Health System Stewardship Award and the Community Service Recognition Award. He is a graduate of St. Dominic High School and the University of Maine, is a business owner, tax accountant and Realtor. He is married to June Mitchell Guay and is the proud father of 4 children and has 5 grandchildren. We extend our congratulations to Mr. Guay on his achievements;
SLS 256

Sponsored by Senator ROTUNDO of Androscoggin.
Cosponsored by Representatives: SAMPSON of Auburn, MAKAS of Lewiston, WALCOTT of Lewiston, O'BRIEN of Lewiston, CRAVEN of Lewiston, PARADIS of Frenchville.

READ.

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

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. I'm very proud to welcome Lionel Guay, the Mayor of Lewiston, to the Senate today. Mr. Guay has a lifelong record of public service and advocacy for the Lewiston/Auburn area Franco-American community. In addition to his role as mayor, he chaired of the Festival de Joie for 12 years, chaired the Franco-American Center at St. Marys for 4 years, and is a Grand Knight in the Knights of Columbus. He has served on many civic boards, received numerous awards for his public service, and in the midst of all this, has found time to help raise 4 children with his wonderful wife, June. Lionel Guay's extraordinary leadership and vision have been critical to the preservation of the Franco heritage in this state. He is richly deserving of his membership in the Franco-American Hall of Fame. I proudly congratulate Mayor Guay on just recognition of a lifetime to Lewiston and the Maine Franco-American community.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Lionel Guay of Lewiston. Would he please rise and accept the greetings of the Maine Senate.

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **MARTIN**: Thank you, Madame President and members of the Senate. I call your attention to the House Calendar, on page 17. I do so because there are two orders that we will not be seeing and I thought it would be appropriate, at this point, to make reference to two people who are being recognized as well into the Franco-American Hall of Fame. Both Agnes and Cyril Beaulieu from Madawaska are being recognized as being inducted today into the Franco-American Hall of Fame: I just want to make a couple of comments.

First of all, they have been married for 60 years. They have 5 children, 8 grandchildren, and 4 great-grandchildren. They have been active in the community in more ways than I can ever think of. They have been involved in the 'Save Our French' movement, the Le Club Francais. They have been involved in civic and Franco-American organizations and fraternal organizations and the community of Madawaska.

As I was thinking about both of them, I was thinking about the fact that when I was actually in high school and college, I worked in grocery stores, earning money to go to school. I sold their product, Brunswick Bottling, that they owned in Madawaska. They made a real success of that. When I saw them I remembered the Brunswick company that they had in Madawaska, along with some other things that they did. So I'm really pleased to have them here today. They have already been recognized. One of their daughters, Cecil, is here today from Houlton, but she's really a Madawaska girl. I'm really pleased to see both of them here and I'd ask that they be recognized, Madame President.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Agnes and Cyril Beaulieu from Madawaska. Would they please rise and accept the greetings of the Maine Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Crime of Escape"
H.P. 694 L.D. 984

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Raise the Marriage Fees"
H.P. 281 L.D. 379

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Increase Vital Records Fees"
H.P. 348 L.D. 473

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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify City Election Procedures" (EMERGENCY)
H.P. 363 L.D. 488

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 Clarify Matters Relating to the Offices of Secretary and Treasurer of the Maine Turnpike Authority"

H.P. 153 L.D. 202

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow the Part-time Assignment of State Police Officers to Municipalities"

H.P. 78 L.D. 102

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

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

READ ONCE.

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide the Portland Harbor Commission with the Authority To Arrest"

H.P. 264 L.D. 351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.

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

READ ONCE.

Committee Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Adopt the Maine Uniform Securities Act"
H.P. 384 L.D. 509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-103)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103)**.

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

READ ONCE.

Committee Amendment "A" (H-103) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Save the Health Care System Money by Ensuring Timely Denials of Claims"

H.P. 433 L.D. 600

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-102)**.

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

READ ONCE.

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **MARINE RESOURCES** on Bill "An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use"

H.P. 428 L.D. 595

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-105)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105)**.

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

READ ONCE.

Committee Amendment "A" (H-105) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Delay the Fiscal Sustainability of the Highway Fund"
H.P. 109 L.D. 131

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96).**

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

READ ONCE.

Committee Amendment "A" (H-96) **READ.**

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#57)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COWGER, DAMON, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NUTTING, RAYE, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, HASTINGS, NASS, PLOWMAN, ROSEN, SNOWE-MELLO, WESTON, WOODCOCK

ABSENT: Senators: BROMLEY, PERRY

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, Committee Amendment "A" (H-96) **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Designate 2-1-1 Maine, Incorporated as the Sole Provider for 2-1-1 Information and Referral Services for the State of Maine" (EMERGENCY)

H.P. 399 L.D. 523

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100).**

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

READ ONCE.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Enhance Community Support for Anadromous Fish Restoration"

H.P. 462 L.D. 629

Reported that the same **Ought Not 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
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-104).**

Signed:

Representatives:

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

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#58)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BRYANT, COWGER, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, WOODCOCK, THE PRESIDENT - BETH E. EDMONDS

NAYS: Senators: CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON

ABSENT: Senators: BROMLEY, PERRY

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DAMON** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve Public Understanding in Rulemaking"

H.P. 417 L.D. 562

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Signed:

Senator:
ANDREWS of York

Representatives:
BARSTOW of Gorham
McFADDEN of Dennysville
MOULTON of York
HARLOW of Portland
BISHOP of Boothbay
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 Not To Pass**.

Signed:

Senators:
SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**.

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, To Name Interstate 295 Ronald Reagan Memorial Highway

H.P. 191 L.D. 252

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

Signed:

Senators:
DAMON of Hancock
SAVAGE of Knox
DIAMOND of Cumberland

Representatives:
MARLEY of Portland
FISHER of Brewer
PARADIS of Frenchville
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:
COLLINS of Wells
THOMAS of Ripley

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

Reports **READ**.

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

THE PRESIDENT: The Chair recognizes the Senator from
Hancock, Senator Damon.

Senator **DAMON:** Thank you, Madame President, men and
women of the Senate. It was with great deliberation that the
Transportation Committee heard this bill and the majority report
reflected the sentiment of the committee. Though certainly
President Reagan's accomplishments are worthy of recognition, it
was the sense of the committee that, since the good President
had not visited the State of Maine and since there had been
numerous people within our own state to whom those accolades
of naming recognition would be appropriate, such as Senator
Margaret Chase Smith, Secretary of State Muskie, and many
others, that to name this particular highway for our late President
Reagan would be inappropriate. It is for that reason that we offer
the majority Ought Not to Pass report and I would hope we would
get concurrence.

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

SECOND READERS

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

House

Bill "An Act To Cure an Inconsistency Regarding Judgment Liens"
H.P. 366 L.D. 491

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

House As Amended

Bill "An Act To Amend the Maine Motor Vehicle Franchise Board
Laws"

H.P. 293 L.D. 391
(C "A" H-90)

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

Senate As Amended

Bill "An Act to Prohibit Payment Card Skimming"
S.P. 23 L.D. 83
(C "A" S-67)

Resolve, Authorizing the State Tax Assessor To Convey the
Interest of the State in Certain Real Estate in the Unorganized
Territory

S.P. 148 L.D. 450
(C "A" S-69)

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

S.P. 246 L.D. 748
(C "A" S-68)

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Establish the Commission To Study the Delivery of
Services to Maine Citizens with Brain Injuries (EMERGENCY)
H.P. 1095 L.D. 1554

Bill "An Act To Improve Quality, Effectiveness and Efficiency in
the Department of Health and Human Services"
H.P. 1096 L.D. 1555

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

Bill "An Act To Make Owners of Cooperative Housing Eligible for the Homestead Exemption"

H.P. 1093 L.D. 1552

Bill "An Act To Impose a Gross Receipts Tax on 'Big Box' Stores"

H.P. 1094 L.D. 1553

Bill "An Act To Promote and Facilitate Programs That Teach Thinking Skills and Problem Solving"

H.P. 1097 L.D. 1556

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

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

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

ENACTORS

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

Act

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

S.P. 314 L.D. 906

PASSED TO BE ENACTED and having been signed by the President was presented by the Secretary to the Governor for his approval.

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. 1092

RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais dans l'état du Maine portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, l'état du Maine a célébré l'année dernière le 400ième anniversaire du premier village français au Nouveau Monde sur l'île Sainte-Croix en 1604; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française ou canadienne; et

Considérant que, les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine; et

Considérant que, il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-Deuxième Législature, assemblés dans la première session spéciale, au nom des gens que nous représentons, proclamons que le Jour Franco-Américain soit célébré mercredi, 6 avril, 2005, à la Capitale de l'État; et qu'il soit aussi

Résolu, que nous suggérons que le Jour Franco-Américain soit célébré chaque année au mois de mars pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY

WHEREAS, the State of Maine is named after the Province of Maine in France and the Towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent. Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State of Maine; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Twenty-second Legislature now assembled in the First Special Session, on behalf of the people we represent, proclaim that Wednesday, April 6, 2005 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That we suggest that Franco-American Day be celebrated annually to commemorate the rich history of the French people in the State of Maine and the United States of America.

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Free Deer Hunting Licenses to Persons 100 Years of Age or Older"
S.P. 207 L.D. 652

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-70)**.

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

READ ONCE.

Committee Amendment "A" (S-70) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

REPORTS OF COMMITTEES

Senate

Divided Report

Nine members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Suspend or Revoke Licenses and Permits Issued by the Department of Inland Fisheries and Wildlife to a Person Convicted of Operating under the Influence"
S.P. 21 L.D. 82

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot

Representatives:

WATSON of Bath
BRYANT of Windham
RICHARDSON of Carmel
JACKSON of Fort Kent
RICHARDSON of Greenville
WHEELER of Kittery
LUNDEEN of Mars Hill

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-71)**.

Signed:

Representatives:

TRAHAN of Waldoboro
MOODY of Manchester
CEBRA of Naples

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-72)**.

Signed:

Senator:

WOODCOCK of Franklin

Reports **READ**.

Senator **BRYANT** of Oxford moved the Senate **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**.

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

Senate at Ease.

Senate called to order by the President.

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 (2/1/05) Assigned matter:

Bill "An Act To Protect Unborn Children from Acts of Violence"
H.P. 201 L.D. 262

Tabled - February 1, 2005, by Senator **DIAMOND** of Cumberland

Pending - **REFERENCE**

(In House, January 27, 2005, **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 **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/24/05) Assigned matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Fiscal Impact Notes for Proposed Agency Rules"
H.P. 212 L.D. 287

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-39)** (4 members)

Tabled - March 24, 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 23, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 24, 2005, Reports **READ**.)

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

Senator **ANDREWS** of York was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

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

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, April 7, 2005, at 10:00 in the morning.