

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature

State of Maine

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

In Senate Chamber
Monday
May 16, 2005

Senate called to order by President Pro Tem Kenneth T. Gagnon of Kennebec County.

Prayer by Reverend William Monroe of the Advent Christian Church of Goodwins Mills.

REVEREND MONROE: Good morning. President Gagnon and members of the Senate, I want to thank you for the privilege of allowing me to serve as your chaplain this morning. I want to commend you for maintaining the tradition of beginning your day by humbly seeking the blessing of God, for in doing so, I believe, you are more effective in doing your work.

Author Max Lucado noted that there is a direct correlation between the accuracy of our memory and the effectiveness of our work. With that in mind, I want to recall for you a brief moment in our early history as a nation which serves as an example of this truth. It was on May 25, 1787 in Philadelphia that the framers of the our Constitution met together for the purpose of writing new Articles of Confederation that would henceforth become the law of the land. There were marked differences of ideas between the delegates gathered there, resulting in long and passionate debates. At a critical point, after some weeks of deliberation and having made little progress, Benjamin Franklin rose and gave the following earnest plea;

'Mr. President, the small progress we have made after four or five weeks close attendance is, me thinks, a melancholy proof of the imperfection of human understanding. We, indeed, seem to feel our want of political wisdom since we have been running about in search of it. In this institution how has it happened, Sir, that we have not hitherto once thought of humbly praying to the Father of Lights to illumine our understanding? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room. Our prayers, Sir, we graciously answered. Have we now forgotten that powerful friend or do we imagine we no longer need His assistance?'

The delegates at the Constitutional Convention then waited upon God in prayer and on September 17th signed the newly drafted Constitution, which has endured the test of time for over 200 years. In their seeming helplessness, when they remembered to pray, they were divinely enabled to complete their task. Since that time our Presidents have frequently called upon the people of all faiths throughout our nation to observe a National Day of Prayer on which to petition God to show us His mercy and His love, to help us in times of trouble, to heal our wounds and uphold our hope so that we might live in peace and be thankful for His blessing. Time after time, He has graciously answered our prayers.

As you take up the challenging issues that you have to deal with today, I invite you to join me in looking to the one who is able to help you successfully carry out your duties. Let us pray.

Almighty God, we thank You for the morning and the gift of this day. Through all its hours help us to consciously walk with You. Thank You also for our great State of Maine; for its mountains, forests, lakes, streams, and rugged coastline; for its busy cities and quiet villages; and all its citizens, from our Governor and all those who humbly and faithfully serve in positions of leadership, to our men and women in the armed services who are doing their part to keep life here the way it should be. In Your mercy, grant protection to our troops today and bring them home safe and soon.

I confess my sense of inadequacy in beginning to understand the weighty issues to which this legislative body must give its attention today. Nevertheless, I count it a privilege to bring to You in prayer the President and the members of the Senate and the staff members. Only You, oh God, know the personal needs and concerns of these women and men and You alone know the struggles they may have as they seek to conduct the business of the Senate in an orderly fashion. I ask You today, that as they act upon the challenging issues before them, that You would guide them in finding the right answers, enable them to reject all counsel that violates the moral principles, and to resist those who would pressure them to violate their conscience. Help them to be ready to sacrifice their personal ambitions for the sake of doing what is right and in the best interest of this state. Help them, oh Lord, to rely upon You for the wisdom, strength, and courage that they need daily in fulfilling their duties and dealing with the educational, economic, healthcare, and other legitimate needs of our state. Give them discernment as they deal with budgetary matters, as they strive to maintain a balanced budget without raising taxes. Above all, help them always to be good examples in their conduct to the people of Maine by always acting with integrity, dignity, honor, and trustworthiness. Now, oh God, may the grace of Your richest blessing be upon them through all the deliberations of this day. Amen.

Pledge of Allegiance led by Senator Elizabeth H. Mitchell of Kennebec County.

Doctor of the day, Dr. Christopher Stenberg of Cape Elizabeth.

Reading of the Journal of Thursday, May 12, 2005.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 288

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

May 11, 2005

ROLL CALL (#118)

The Honorable Beth Edmonds
 President of the Senate of Maine
 122nd Maine Legislature
 State House
 Augusta, Maine 04333-0003

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Stephen W. Wight of Newry, for reappointment to the Land Use Regulation Commission.

ABSENT: Senators: EDMONDS, NUTTING, PERRY

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Stephen W. Wight** of Newry, for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

YEAS	Senators	3	Bryant of Oxford, Nutting of Androscoggin, Raye of Washington
	Representatives	7	Carr of Lincoln, Flood of Winthrop, Jodrey of Bethel, Lundeen of Mars Hill, Marean of Hollis, Pineau of Jay, Piotti of Unity
NAYS		0	
ABSENT		3	Rep. Jennings of Leeds, Rep. Sherman of Hodgdon, Rep. Twomey of Biddeford

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 289

**MAINE STATE LEGISLATURE
 COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY
 AUGUSTA, MAINE 04333**

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Stephen W. Wight of Newry, for reappointment to the Land Use Regulation Commission be confirmed.

May 11, 2005

The Honorable Beth Edmonds
 President of the Senate of Maine
 122nd Maine Legislature
 State House
 Augusta, Maine 04333-0003

Signed,

Dear Madame President:

S/John M. Nutting
 Senate Chair

S/John F. Piotti
 House Chair

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Gwendolyn R. Hilton of Starks, for appointment to the Land Use Regulation Commission.

READ and ORDERED PLACED ON FILE.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

YEAS	Senators	3	Bryant of Oxford, Nutting of Androscoggin, Raye of Washington
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In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 16, 2005

Representatives 7 Carr of Lincoln, Flood of Winthrop, Jodrey of Bethel, Lundeen of Mars Hill, Marean of Hollis, Pineau of Jay, Piotti of Unity

NAYS 0

ABSENT 3 Rep. Jennings of Leeds, Rep. Sherman of Hodgdon, Rep. Twomey of Biddeford

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gwendolyn R. Hilton of Starks, for appointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting Senate Chair

S/John F. Piotti House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on AGRICULTURE, CONSERVATION AND FORESTRY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#119)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Gwendolyn R. Hilton of Starks, for appointment to the Land Use Regulation Commission was CONFIRMED.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 290

MAINE STATE LEGISLATURE COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY AUGUSTA, MAINE 04333

May 11, 2005

The Honorable Beth Edmonds President of the Senate of Maine 122nd Maine Legislature State House Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Edward B. Lavery of Milo, for reappointment to the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 3 Bryant of Oxford, Nutting of Androscoggin, Raye of Washington

Representatives 7 Carr of Lincoln, Flood of Winthrop, Jodrey of Bethel, Lundeen of Mars Hill, Marean of Hollis, Pineau of Jay, Piotti of Unity

NAYS 0

ABSENT 3 Rep. Jennings of Leeds, Rep. Sherman of Hodgdon, Rep. Twomey of Biddeford

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward B. Lavery of Milo, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting Senate Chair

S/John F. Piotti House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on AGRICULTURE, CONSERVATION AND FORESTRY be overridden?"

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 16, 2005

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#120)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Edward B. Lavery** of Milo, for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

Off Record Remarks

The Following Communication: S.C. 291

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

May 11, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had

under consideration the nomination of Ernest B. Harvey of Millinocket, for reappointment to the Land Use Regulation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Bryant of Oxford, Nutting of Androscoggin, Raye of Washington
	Representatives	7	Carr of Lincoln, Flood of Winthrop, Jodrey of Bethel, Lundeen of Mars Hill, Marean of Hollis, Pineau of Jay, Piotti of Unity
NAYS		0	
ABSENT		3	Rep. Jennings of Leeds, Rep. Sherman of Hodgdon, Rep. Twomey of Biddeford

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ernest B. Harvey of Millinocket, for reappointment to the Land Use Regulation Commission be confirmed.

Signed,

S/John M. Nutting
Senate Chair

S/John F. Piotti
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#121)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Ernest B. Harvey** of Millinocket, for reappointment to the Land Use Regulation Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 293

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

May 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Chad Marquis of Fort Kent, for appointment to the University of Maine System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Mitchell of Kennebec, Schneider of Penobscot
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor

NAYS 0

ABSENT 4 Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland, Sen. Turner of Cumberland

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Chad Marquis of Fort Kent, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#122)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Chad Marquis** of Fort Kent, for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 294

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

May 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Marjorie M. Medd of Norway, for appointment to the University of Maine System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Mitchell of Kennebec, Schneider of Penobscot
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor
NAYS		0	
ABSENT		4	Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland, Sen. Turner of Cumberland

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marjorie M. Medd of Norway, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Marjorie M. Medd** of Norway, for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the chamber Marjorie M. Medd of Norway. Would she please rise and accept the greetings of the Maine Senate.

The Following Communication: S.C. 295

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

May 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Paul J. Dowe, Jr. of Bangor, for

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reappointment to the University of Maine System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Mitchell of Kennebec, Schneider of Penobscot
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor
NAYS		0	
ABSENT		4	Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland, Sen. Turner of Cumberland

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Paul J. Dowe, Jr. of Bangor, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#124)

YEAS:	Senators:	None
NAYS:	Senators:	ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE- MELLO, STRIMLING, SULLIVAN, TURNER,

WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Paul J. Dowe, Jr.** of Bangor, for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 296

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

May 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Shepard Lee of Cape Elizabeth, for appointment to the Maine Community College System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor
NAYS		0	

ABSENT 3 Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland

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

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Shepard Lee of Cape Elizabeth, for appointment to the Maine Community College System, Board of Trustees be confirmed.

May 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Signed,

S/Elizabeth H. Mitchell Senate Chair
S/Jacqueline R. Norton House Chair

Dear Madame President:

READ and ORDERED PLACED ON FILE.

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Doris Belisle-Bonneau of Lewiston, for appointment to the Maine Community College System, Board of Trustees.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor
NAYS		0	
ABSENT		3	Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#125)

YEAS: Senators: None
NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Doris Belisle-Bonneau of Lewiston, for appointment to the Maine Community College System, Board of Trustees be confirmed.

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Shepard Lee** of Cape Elizabeth, for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

Signed,

S/Elizabeth H. Mitchell Senate Chair
S/Jacqueline R. Norton House Chair

The Secretary has so informed the Speaker of the House of Representatives.

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

The Following Communication: S.C. 297

LEGISLATIVE RECORD - SENATE, MONDAY, MAY 16, 2005

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#126)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Doris Belisle-Bonneau** of Lewiston, for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 298

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

May 12, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 122nd Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Brian C. Thayer of Cumberland, for appointment to the Maine Community College System, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Mitchell of Kennebec, Schneider of Penobscot, Turner of Cumberland
	Representatives	7	Davis of Falmouth, Edgecomb of Caribou, Finch of Fairfield, Goldman of Cape Elizabeth, Makas of Lewiston, Merrill of Appleton, Norton of Bangor
NAYS		0	
ABSENT		3	Rep. Cain of Orono, Rep. Lansley of Sabattus, Rep. Stedman of Hartland

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Brian C. Thayer of Cumberland, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Elizabeth H. Mitchell
Senate Chair

S/Jacqueline R. Norton
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tem laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#127)

YEAS: Senators: None

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT PRO TEM - KENNETH T. GAGNON

ABSENT: Senators: EDMONDS, NUTTING, PERRY

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Brian C. Thayer of Cumberland, for appointment to the Maine Community College System, Board of Trustees was CONFIRMED.

The Secretary has so informed the Speaker of the House of Representatives.

SENATE PAPERS

Bill "An Act To Implement the Recommendations of the Commission to Study Maine's Community Hospitals"
S.P. 620 L.D. 1673

Sponsored by Senator MAYO of Sagadahoc. (GOVERNOR'S BILL)
Cosponsored by Representative PINGREE of North Haven.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator MAYO for the Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Monitor and Maintain Maximum Levels of Assistance in the General Assistance Program"
S.P. 114 L.D. 367

Reported that the same Ought to Pass.

Report READ and ACCEPTED.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize Exemptions for Certain Private Schools from Certain Requirements"
S.P. 354 L.D. 1037

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178)**.

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-178) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Designate the Department of Health and Human Services as the Official State Agency Responsible for Programs for Persons Affected by Brain Injury"
S.P. 239 L.D. 741

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-171)**.

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-171) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Postpone the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund"
S.P. 240 L.D. 742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-179)**.

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-179) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Hardships to Small Community Hospitals Resulting from the Hospital Tax" (EMERGENCY)

S.P. 278 L.D. 839

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-180)**.

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

READ ONCE.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator STRIMLING for the Committee on **LABOR** on Bill "An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey"

S.P. 318 L.D. 943

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-177)**.

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

READ ONCE.

Committee Amendment "A" (S-177) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Lobster Fishing Laws of Maine"

S.P. 526 L.D. 1510

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-183)**.

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

READ ONCE.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act Concerning Storm Water Management"

S.P. 542 L.D. 1558

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-184)**.

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

READ ONCE.

Committee Amendment "A" (S-184) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Restore Municipal Authority To Review Development Using Flexible Standards"

S.P. 331 L.D. 991

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-174)**.

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

READ ONCE.

Committee Amendment "A" (S-174) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Commission To Study the Licensing Conflicts between the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services

S.P. 442 L.D. 1262

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-175)**.

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

READ ONCE.

Committee Amendment "A" (S-175) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests" (EMERGENCY)

S.P. 554 L.D. 1576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-185)**.

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

READ ONCE.

Committee Amendment "A" (S-185) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Tax on Private Nonmedical Institutions" (EMERGENCY)

S.P. 52 L.D. 146

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

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-173)**.

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **MAYO** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Fair and Timely MaineCare Payments to Hospitals"

S.P. 214 L.D. 678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-181)**.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
SHIELDS of Auburn
CAMPBELL of Newfield
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-182)**.

Signed:

Representative:

LEWIN of Eliot

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (S-181)** Report.)

Reports **READ**.

On motion by Senator **MAYO** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-181)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-181) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Discourage Further the Sale of Tobacco to Minors"

S.P. 293 L.D. 885

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-172).**

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
WEBSTER of Freeport
MILLER of Somerville
BURNS of Berwick
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot

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

Signed:

Representative:

GLYNN of South Portland

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended Report.**)

Reports **READ.**

On motion by Senator **MAYO** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED Report ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-172) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Provide an Annual Cost-of-living Adjustment for Persons Receiving Workers' Compensation Benefits for Total Incapacity"

S.P. 501 L.D. 1476

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-176).**

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

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

Signed:

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

(Senator SNOWE-MELLO of Androscoggin - of the Senate - abstaining.)

Reports **READ.**

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED Report.**

On further motion by same Senator, **TABLED** Unassigned, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED Report.**

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

SECOND READERS

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

House

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

H.P. 1010 L.D. 1446

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1075 L.D. 1530

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

House As Amended

Bill "An Act To Promote Provision of Dental Services to Indigent Children"

H.P. 10 L.D. 5

(C "A" H-328)

Bill "An Act To Support Animal Welfare"

H.P. 129 L.D. 178

(C "A" H-329)

Bill "An Act To Establish a Program for the Purchase of Prescription Drugs from out of the State and out of the Country for the Elderly and Disabled"

H.P. 369 L.D. 494

(C "A" H-327)

Bill "An Act To Amend the Laws Relating to Changeable Signs"

H.P. 373 L.D. 498

(C "A" H-291)

Bill "An Act To Make Changes to the Laws Governing the Maine Potato Board" (EMERGENCY)

H.P. 378 L.D. 503

(C "A" H-330)

Bill "An Act To Provide Relief from the Cost of Rescue Services to Certain Communities"

H.P. 412 L.D. 557

(C "A" H-317)

Bill "An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products" (EMERGENCY)

H.P. 660 L.D. 941

(C "A" H-326)

Bill "An Act To Promote Responsible Advertising by Public Utilities"

H.P. 826 L.D. 1198

(C "A" H-296)

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

H.P. 907 L.D. 1309

(C "A" H-331)

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

Bill "An Act To Enhance the Prosecution of Child Pornography Cases"

H.P. 403 L.D. 548

(C "A" H-132)

READ A SECOND TIME.

On motion by Senator **DIAMOND** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

Senate As Amended

Bill "An Act Regarding Shellfish Harvesting"

S.P. 429 L.D. 1250

(C "A" S-170)

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

S.P. 502 L.D. 1477

(C "A" S-169)

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 Paper

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands
H.P. 1182 L.D. 1674

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 299

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

May 9, 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. 1224 Resolve, Establishing a Study Committee To
 Examine Methods To Assist the Potato Industry

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

Sincerely,

S/Sen. John M. Nutting
Senate Chair

S/Rep. John F. Piotti
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 300

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

May 12, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 753 An Act To Authorize a General Fund Bond
 Issue for the Downeast Institute for Applied
 Marine Research and Education

L.D. 795 An Act To Authorize a General Fund Bond
 Issue for Bulkhead Restoration at the Former
 United States Coast Guard Site in Portland

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

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

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

COMMUNICATIONS

The Following Communication: S.C. 301

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

May 12, 2005

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

Dear President Edmonds and Speaker Richardson:

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

L.D. 1550 An Act To Establish the Arsonist Registration
 Act

We have also notified the sponsor 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.**

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

COMMUNICATIONS

The Following Communication: S.C. 302

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

May 12, 2005

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

Dear President Edmonds and Speaker Richardson:

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

- L.D. 1048 Resolve, Directing the State Board of Education To Review the Authorization Requirements for Educational Technicians
- L.D. 1061 An Act To Improve the Recruitment of Teachers
- L.D. 1334 An Act To Allow School Board Members To Perform Certain Functions in the School BY REQUEST
- L.D. 1457 Resolve, To Reform the Maine Education System

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

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

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

SECOND READERS

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

House As Amended

Bill "An Act To Amend the Law Regarding Resale Certificates"
H.P. 120 L.D. 169
(S "B" S-122 to C "A" H-78)

Bill "An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs"
H.P. 218 L.D. 293
(C "A" H-243)

Bill "An Act To Amend the Laws Governing the Student Code of Conduct"
H.P. 419 L.D. 564
(C "A" H-333)

Bill "An Act To Fund Youth Mentoring Programs"
H.P. 689 L.D. 979
(C "A" H-332)

Bill "An Act To Stimulate Economic Development in Maine's Aviation Industry"
H.P. 727 L.D. 1074
(C "B" H-299)

Bill "An Act To Require That Property Tax Bills Specifically Note the Amount of Land Being Taxed"
H.P. 862 L.D. 1244
(C "A" H-302)

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

Bill "An Act To Expand the Maine Economic Improvement Fund"
H.P. 38 L.D. 42
(C "A" H-281)

READ A SECOND TIME.

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **MARINE RESOURCES** on Bill "An Act To Authorize the Assessment and Collection of Harbor Fees"
H.P. 1153 L.D. 1635

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **TAXATION**.

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

On motion by Senator **DAMON** of Hancock, Bill and accompanying papers **COMMITTED** to the Committee on **MARINE RESOURCES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, To Amend the Constitution of Maine To Change the Number of Senators to 2 from Each County

H.P. 325 L.D. 440

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-151)** (5 members)

In House, May 9, 2005, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**.

In Senate, May 12, 2005, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate **ADHERED**.

Senate at Ease.

Senate called to order by
President Pro Tem **KENNETH T. GAGNON** of Kennebec County.

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

Off Record Remarks

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