

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

Second Regular Session  
January 4, 2006 to May 24, 2006

Pages 1382 - 2139

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

In Senate Chamber  
Tuesday  
January 10, 2006

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

Prayer by Reverend Carl Geores, Presbyterian Mission at the  
Eastward in Monmouth.

**REVEREND GEORES:** I'm happy to be here this morning. I've  
been asked to give a spiritual message. That's what I'm going to  
try to do.

My wife and I arrived here with our family in 1952 in Leeds,  
Maine. Maine was a different place then, as some of you may  
remember. Our town was a poor town. It was \$1,000 below the  
average income in the State of Maine. As I called on the  
community, I saw that many people worked hard but all they  
earned was a subsistence living. As I worked and met them and  
saw them I realized that many had substandard housing. This  
came to a crisis point in my life in 1963 when we had a blizzard,  
that some of you lived through then. We had 60 mile per hour  
winds, 10 below zero. A bitter night. A family had moved over on  
the River Road in Leeds to live in an abandoned woods camp.  
There were four children, a mother, and a father. The father was  
out of work. There was no insulation, no chimney, no water, and  
no electricity. I went over there after the storm was over and I  
talked with Clara, the mother, and she said it was 8° above zero  
that morning inside her house. With that kind of motivation, we  
said we had to do something. The men of the church got together  
and they met that emergency need. We learned that by working  
together we could accomplish a lot.

As we looked around the community we saw that there was  
all kinds of needs for housing. Working with the Farmer's Home  
Administration; Cooperative Extension; and the forerunner of the  
Community Action Program, the Androscoggin County Taskforce  
on Social Welfare Incorporated, they hired a worker to work with  
low-income people. Two small groups were organized. They  
built brand new homes with their own sweat equity. Again, we  
learned that by working together much could be accomplished.

In 1970, ministers and laypeople from Roman Catholic  
churches, Baptist churches, Presbyterian churches, Methodist,  
Congregational, and Community churches organized the Rural  
Community Action Ministry. We learned that by working together  
we could work with the Tri-County Mental Health Association and  
get a pass-through counselor, which we all needed. We learned  
that by working with the Community Action Program we could  
build houses. Along that line, we discovered that by working  
together everybody wins.

Is it easy? It's not easy. Is it worth doing? You bet. That is  
what the people of Maine expect us to do; to work together for the  
common good. I know that this is on your minds and in your  
hearts and you will have to work hard to see that it gets done. Let  
us pray.

Help us, oh God, to have the courage and integrity to work  
together for the people of Maine. Help us to remember the poor,  
the homeless, the mentally ill, the disabled, as well as those who  
are able to care for themselves. Help us to be just and fair in our  
decision-making. Help us to listen to one another and remember  
that we are really only neighbors with a common need to work for  
all the people of our state. Amen.

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

Doctor of the day, Guy Raymond, MD of Wallagrass.

Reading of the Journal of Thursday, January 5, 2006.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.C. 465

**122<sup>nd</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333**

December 28, 2005

Honorable Joy O'Brien  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Title 5, MRSA, Chapter 501,  
Section 19202, I am pleased to reappoint Senator Arthur Mayo, III  
of Sagadahoc to the Maine HIV Advisory Committee,  
representing a member of the Senate.

Please contact my office if you have any questions regarding  
these appointments.

Sincerely,

S/Beth Edmonds  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 464

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF THE STATE  
AUGUSTA, MAINE 04333**

August 23, 2005

Honorable Joy O'Brien  
Senate Secretary  
3 State House Station  
Augusta, Maine 04333

Dear Secretary O'Brien,

Enclosed please find a certified copy of the proclamation referring the People's Veto of "An Act to Extend Civil Rights Protections to All People Regardless of Sexual Orientation" to the electors. A copy of the determination of this petition is also enclosed.

Sincerely,

S/Matthew Dunlap  
Secretary of State

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

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**SENATE PAPERS**

Bill "An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes"  
S.P. 749 L.D. 1952

Sponsored by Senator BRENNAN of Cumberland.  
Cosponsored by Representative CUMMINGS of Portland and Senator: President EDMONDS of Cumberland, Representatives: DAVIS of Falmouth, HARLOW of Portland, MAZUREK of Rockland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Regarding the Sharing of Costs in Certain School Districts" (EMERGENCY)  
S.P. 750 L.D. 1953

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative BABBIDGE of Kennebunk, Speaker RICHARDSON of Brunswick and Senators: President EDMONDS of Cumberland, SCHNEIDER of Penobscot, Representatives: CROSBY of Topsham, GERZOFISKY of Brunswick, GROSE of Woolwich, HUTTON of Bowdoinham, PERCY of Phippsburg, WATSON of Bath.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Invest in the Future of Maine Citizens"  
S.P. 751 L.D. 1954

Sponsored by Senator BRENNAN of Cumberland.  
Cosponsored by Senator MITCHELL of Kennebec, Representative NORTON of Bangor and Senators: BRYANT of Oxford, President EDMONDS of Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, Representatives: BRYANT of Windham, CUMMINGS of Portland, Speaker RICHARDSON of Brunswick.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Create a Children's Education Advocate"  
S.P. 752 L.D. 1958

Sponsored by Senator MITCHELL of Kennebec.  
Cosponsored by Representative NORTON of Bangor and Senators: BRENNAN of Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, MAYO of Sagadahoc, NUTTING of Androscoggin, SCHNEIDER of Penobscot, Representative: LERMAN of Augusta.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

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Resolve, To Ensure Proper Accounting for Funds at the Department of Health and Human Services  
S.P. 748 L.D. 1949

Sponsored by Senator MAYO of Sagadahoc.  
Cosponsored by Representative PINGREE of North Haven and Senator: ROSEN of Hancock, Representatives: BURNS of Berwick, GROSE of Woolwich, MILLER of Somerville, WALCOTT of Lewiston.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Guarantee Access to Medically Necessary Medications during the Implementation of the Medicare Part D Prescription Drug Program" (EMERGENCY)  
S.P. 753 L.D. 1959

Sponsored by Senator BRENNAN of Cumberland.  
Cosponsored by Representative PINGREE of North Haven and Senators: BRYANT of Oxford, DAMON of Hancock, President EDMONDS of Cumberland, MAYO of Sagadahoc, ROTUNDO of Androscoggin, Representatives: BRAUTIGAM of Falmouth, BRYANT of Windham, CUMMINGS of Portland, PERRY of Calais, Speaker RICHARDSON of Brunswick.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

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

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## REPORTS OF COMMITTEES

### House

#### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement

H.P. 783 L.D. 1140

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

Signed:

Senators:

DIAMOND of Cumberland  
CLUKEY of Aroostook

Representatives:

PLUMMER of Windham  
HANLEY of Gardiner  
GREELEY of Levant  
CHURCHILL of Washburn  
SYKES of Harrison  
GROSE of Woolwich  
DAVIS of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-724)**.

Signed:

Representatives:

BLANCHETTE of Bangor  
GERZOFKY of Brunswick  
PARADIS of Frenchville

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

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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 (1/05/06) Assigned matter:

Bill "An Act To Increase Wheelchair Van Services Reimbursement Rates"

H.P. 1355 L.D. 1914

Tabled - January 5, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **REFERENCE**

(In House, January 4, 2006, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.)

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (1/05/06) Assigned matter:

Bill "An Act To Establish Requirements and Standards for Health Savings Accounts for Small Businesses"

H.P. 1358 L.D. 1917

Tabled - January 5, 2006, by Senator **HOBBS** of York

Pending - **REFERENCE**

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

(In House, January 4, 2006, **REFERRED** to the Committee on **TAXATION**.)

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

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The Chair laid before the Senate the following Tabled and Later (1/05/06) Assigned matter:

Bill "An Act To Amend the Law Governing DNA Testing"

H.P. 1348 L.D. 1907

Tabled - January 5, 2006, by Senator **MARTIN** of Aroostook

Pending - **REFERENCE**

(In House, January 4, 2006, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.)

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, January 12, 2006, at 10:00 in the morning.