

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
Thursday
January 12, 2006

Senate called to order by Joy J. O'Brien, Secretary of the Senate.

The Senator from Aroostook, Senator **MARTIN**, was appointed to serve as President Pro Tem for the session.

The Secretary requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** to the rostrum where he assumed the duties as President Pro Tem.

Senate called to order by President Pro Tem John L. Martin of Aroostook County.

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

RABBI KRINSKY: 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.

Reading of the Journal of Tuesday, January 10, 2006.

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Joint Order:
S.P. 754

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 17, 2006, at 4:00 in the afternoon.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Recapitalize the Maine Downtown Center"
H.P. 1370 L.D. 1956

Bill "An Act To Authorize a General Fund Bond Issue To Create a Block Grant Program To Promote Economic and Cultural Development"
H.P. 1372 L.D. 1960

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

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

Bill "An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station"
H.P. 1369 L.D. 1955

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

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

Bill "An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services"
H.P. 1368 L.D. 1951

Comes 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.

Bill "An Act To Establish a High-risk Health Insurance Pool"
H.P. 1365 L.D. 1945

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

Comes from the House, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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

Bill "An Act To Prevent Dangerous Commercial Drivers on Maine's Highways"

H.P. 1367 L.D. 1950

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

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

**Pursuant to Public Law
Department of Marine Resources**

The **Department of Marine Resources**, pursuant to Public Law 2005, chapter 434, section 14 asked leave to report that the accompanying Bill "An Act To Create a Tiered Wholesale Seafood Dealer's License" (EMERGENCY)

H.P. 1373 L.D. 1961

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

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

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 468

**STATE OF MAINE
122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

January 5, 2006

Honorable John E. Baldacci
Governor of Maine
1 State House Station
Augusta, ME 04333

Dear Governor Baldacci:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 122nd Maine Legislature on Tuesday, January 17, 2006 at 7:00 p.m.

We look forward to seeing you then.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 469

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

January 10, 2006

The Honorable Beth G. Edmonds
President of the Senate
3 State House Station
Augusta, Maine 04333

The Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

I am pleased to accept your invitation to deliver the State of the State Address at a Joint Session of the 122nd Maine Legislature on Tuesday, January 17, 2006, at 7:00 p.m.

Sincerely,

S/John E. Baldacci
Governor

READ and **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 466

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

January 6, 2006

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. 1055 An Act To Require Academic and Community Input into Major Decisions of the University of Maine System

L.D. 1349 An Act To Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting

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.**

The Following Communication: S.C. 467

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

January 5, 2006

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":

L.D. 518 An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians

L.D. 1592 An Act Regarding Disposal of Dredged Materials

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: H.C. 339

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 10, 2006

The Honorable Joy J. O'Brien
Secretary of the Senate
122nd Maine Legislature
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1197 Legislative Document 1690 "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County," In House, January 10, 2006, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

63 voted in favor and 77 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Northern Penobscot Technical Region III High School, of Lincoln, which has received the first business excellence award given to an educational institution by the Maine Metal Products Association. The award recognizes the exceptional training the school provides its students to enter the workplace. The graduates' skills are above and beyond those typically found in most workplaces. We acknowledge this excellent school, which has produced superior students who have achieved national and international recognition;

SLS 902

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative: CARR of Lincoln.

READ.

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

Senator **SCHNEIDER:** Thank you, Mr. President. As many of you may have noticed in the newspaper, one of the students from Region III, Joel Stanley, was awarded first place in the National Welding Championship. He also came in fifth in a worldwide championship in welding as well. This institution, Region III, serves many students who are generally from a non-traditional learning background. They have shown themselves to be outstanding. There has been a great deal of talk about alternative education in the Education and Cultural Affairs Committee. I'm a very big proponent for alternatives for student learning and want to thank, wholeheartedly, the efforts of Region III. I appreciate them coming all the way from Lincoln to accept this honor. I hope that they will succeed and continue to do well, as they have proven to do so thus far. Thank you for your efforts.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the back of the Chamber Alan Dickey who is the Director of the Northern Penobscot Tech Region III; Beth Turner, the Cooperative Board Member of the Northern Penobscot Tech Region III; and Yvonne Davis who is a Career and Tech Education Director for the State of Maine. They will be accepting the sentiment from the Penobscot, Senator Schneider.

PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)

H.P. 1027 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-730).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730).**

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

READ ONCE.

Committee Amendment "B" (H-730) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters

H.P. 15 L.D. 10

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-723).**

Signed:

Senator:
DIAMOND of Cumberland

Representatives:
BLANCHETTE of Bangor
HANLEY of Gardiner
GREELEY of Levant
GERZOFKY of Brunswick
DAVIS of Augusta
PARADIS of Frenchville

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

Signed:

Senator:
CLUKEY of Aroostook

Representatives:
PLUMMER of Windham
CHURCHILL of Washburn
SYKES of Harrison
GROSE of Woolwich

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-723).

Reports **READ**.

Senator **BRENNAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Maternal and Infant Death Review Panel"

H.P. 984 L.D. 1420

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-728).

Signed:

Senators:

- MAYO of Sagadahoc
- ROSEN of Hancock

Representatives:

- CAMPBELL of Newfield
- SHIELDS of Auburn
- PINGREE of North Haven
- WALCOTT of Lewiston
- WEBSTER of Freeport
- MILLER of Somerville
- BURNS of Berwick

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

Signed:

Representatives:

- LEWIN of Eliot
- GROSE of Woolwich
- GLYNN of South Portland

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.

Reports **READ**.

Senator **MAYO** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Concerning Dismantling of Railroad Track"

H.P. 386 L.D. 510

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

Signed:

Senators:

- DAMON of Hancock
- SAVAGE of Knox

Representatives:

- HOGAN of Old Orchard Beach
- COLLINS of Wells
- BROWNE of Vassalboro
- THOMAS of Ripley

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A"** (H-726).

Signed:

Representatives:

- MARLEY of Portland
- MAZUREK of Rockland

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

Reports **READ**.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Senate

Divided Report

Six members of the Committee on **LABOR** on Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service" (EMERGENCY)

S.P. 246 L.D. 748

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-432).**

Signed:

Senate at Ease.

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

Representatives:

CRESSEY of Cornish
CLARK of Millinocket
TUTTLE of Sanford
HUTTON of Bowdoinham

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

Six members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Maternal and Infant Death Review Panel"

Signed:

H.P. 984 L.D. 1420

Senator:

SNOWE-MELLO of Androscoggin

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-728)** (9 members)

Representatives:

HALL of Holden
HAMPER of Oxford
DUPREY of Hampden
SMITH of Van Buren
DRISCOLL of Westbrook

Minority - **Ought Not To Pass** (3 members)

Tabled - January 12, 2006, by Senator **MAYO** of Sagadahoc

Reports **READ.**

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

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

(In House, January 10, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED.**)

(In Senate, January 12, 2006, Reports **READ.**)

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED.**

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

READ ONCE.

Off Record Remarks

Committee Amendment "A" (H-728) **READ** and **ADOPTED**, in concurrence.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate at Ease.

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

Senate called to order by the President.

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

Off Record Remarks

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

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

On motion by Senator **SULLIVAN** of York, **ADJOURNED**,
pursuant to the Joint Order, to Tuesday, January 17, 2006, at
4:00 in the afternoon.