

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 24, 2006

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

Prayer by Reverend Glenn Peterson of Hope Baptist Church in
Manchester.

REVEREND PETERSON: Gracious God, we thank You that You are a God who blesses people with many gifts. We thank You especially today for the blessing of government. Thank You for giving the people of the State of Maine a government that seeks to protect them and to promote their welfare. We thank You as well for the blessing of these Senators who are giving of their lives to serve the people of this state. We pray that as these Senators serve today that they will live out what it means to be blessed and to be a blessing to others. Jesus taught, 'Blessed are the poor in spirit, for theirs is the kingdom of heaven.' We pray then that these Senators would humbly recognize how much they need You and Your wisdom today as they make their decisions. Jesus also taught, 'Blessed are those who hunger and thirst for righteousness, for they will be filled.' We pray then that these Senators will earnestly seek out what is right and just for the people of this state in all of their duties today. Finally, Jesus taught, 'Blessed are the peacemakers for they will be called Sons of God.' We pray then that these Senators will not build walls but that they will build bridges of peace to others today. As those bridges are built, we pray that You will bless this state with the greater unity and with a stronger foundation to address the challenges that need to be faced at this time. Thank You, Gracious God, for hearing our prayer. It is in Your great name that we pray. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of
Piscataquis.

Doctor of the day, Dr. Laurel Coleman of Manchester.

Reading of the Journal of Thursday, January 19, 2006.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Law Governing DNA Testing"
H.P. 1348 L.D. 1907

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

In Senate, January 10, 2006, **REFERRED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY, in **NON-
CONCURRENCE**.

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

On motion by Senator **HOBBS** of York, the Senate **RECEDED**
and **CONCURRED**.

House Paper

**Pursuant to Statute
Maine Fire Protection Services Commission**

The **Maine Fire Protection Services Commission**, pursuant to
the Maine Revised Statutes, Title 5, section 3371 asked leave to
report that the accompanying Resolve, To Evaluate the Public
Safety Answering Points for the State of Maine (EMERGENCY)
H.P. 1379 L.D. 1969

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND
PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

Report **READ** and **REJECTED**.

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

Off Record Remarks

Joint Order

Expressions of Legislative Sentiment recognizing:

Morris Yachts, of Trenton, for receiving the prestigious *Cruising World* 2006 Boat of the Year Award. *Cruising World* magazine announced the best in boatbuilding for 2006 with its 12th annual Boat of the Year Awards. Morris Yachts' Morris 42 was named the Domestic Cruising Boat of the Year. Of the 6 American boats nominated, the Morris 42 was universally praised by the judges as the best America has to offer in quality craftsmanship. Morris Yachts, a family-owned business, has been in semi-custom yacht production for 30 years, and has worked hard to become the benchmark of quality for yachtsmen around the world, becoming a complete yacht service organization. We extend our congratulations to Morris Yachts on this award;

HLS 1584

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

READ.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. In addition to recognizing Morris Yachts for receiving the prestigious *Cruising World* 2006 Boat of the Year Award that is awarded by *Cruising World* magazine, I would like to inform the members of this body that I have recently been informed by Mr. and Mr. Morris, the owner and the president, that they have just been notified that they have been selected and chosen as Maine's 2006 Small Business Exporter of the Year. Here is an example of Maine business as its finest. We have these occurring all over our state. I think that it's good to recognize them when we can. Thank you, Madame President.

PASSED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 476

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

January 13, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1003 An Act To Establish the Androscoggin County Budget Advisory Committee and the Somerset County Budget Advisory Committee

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

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

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

The Following Communication: S.C. 474

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

January 17, 2006

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

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the State Civil Service Appeals Board under the State Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth Schneider
Chair

S/Representative Christopher Barstow
Chair

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

The Following Communication: S.C. 475

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

January 17, 2006

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

Dear Madam President and Mr. Speaker

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the State Claims Commission under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Elizabeth Schneider
Chair

S/Representative Christopher Barstow
Chair

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

SENATE PAPERS

Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan
S.P. 760 L.D. 1973

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative PINGREE of North Haven and Senators: MARTIN of Aroostook, PERRY of Penobscot, NUTTING of Androscoggin, Representatives: SHIELDS of Auburn, McCORMICK of West Gardiner.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Preserve Maine's Working Waterfront"
S.P. 759 L.D. 1972

Sponsored by Senator DAMON of Hancock.
Cosponsored by Representative PERCY of Phippsburg and Senators: ANDREWS of York, BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, COWGER of Kennebec, DAVIS of Piscataquis, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GAGNON of Kennebec, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Kennebec, NUTTING of Androscoggin, PERRY of Penobscot, RAYE of Washington, ROSEN of Hancock, ROTUNDO of Androscoggin, SAVAGE of Knox, SCHNEIDER of Penobscot, STRIMLING of Cumberland, SULLIVAN of York, WESTON of Waldo, Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BARSTOW of Gorham, BOWEN of Rockport, BRYANT of Windham, BURNS of Berwick, CARR of Lincoln, COLLINS of Wells, CROSTHWAITE of Ellsworth, CURLEY of Scarborough, DRISCOLL of Westbrook, DUCHESNE of Hudson, DUDLEY of Portland, DUGAY of Cherryfield, DUNN of Bangor, DUPLESSIE of Westbrook, EBERLE of South Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FISHER of Brewer, JENNINGS of Leeds, JOY of Crystal, KAELIN of Winterport, KOFFMAN of Bar Harbor, LERMAN of Augusta, LINDELL of Frankfort, MARLEY of Portland, MARRACHÉ of Waterville, McCORMICK of West Gardiner, McFADDEN of Dennysville, PERRY of Calais, PINEAU of Jay, PINGREE of North Haven, RECTOR of Thomaston, RICHARDSON of Carmel, Speaker RICHARDSON of Brunswick, RICHARDSON of Warren, ROSEN of Bucksport, SCHATZ of Blue Hill, SHERMAN of Hodgdon, SIMPSON of Auburn, SMITH of Monmouth, TWOMEY of Biddeford, VALENTINO of Saco, WHEELER of Kittery, WOODBURY of Yarmouth.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure the Authority of 'Do Not Resuscitate' Orders in Advance Health-care Directives" (EMERGENCY)

S.P. 680 L.D. 1763

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

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

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

On motion by Senator **GAGNON** of Kennebec, **ADJOURNED**, to Wednesday, January 25, 2006, at 10:00 in the morning.

Ought to Pass

Senator **DAMON** for the Committee on **MARINE RESOURCES** on Bill "An Act to Allow Dragging in Lower Taunton Bay" (EMERGENCY)

S.P. 703 L.D. 1786

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senate at Ease.

Senate called to order by the President.

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

Senator **GAGNON** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

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