

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
Wednesday
January 25, 2006

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

Prayer by Reverend Peter Panagore of First Radio Parish Church
of America.

REVEREND PANAGORE: Good morning and let's pray. Here we are in a chamber, dressed and ready to rule. Dear God, in this land of local law, where common folk pick from the people, representing neighbors back home, in this capital city where new laws are made by the people by lawmakers elected by the people ruling a government of the people; one people with many minds, many beliefs, with differing views. While we are here, God, always let civility and reason prevail. No matter whether we are Left Wing, Right Wing, or Moderate; Conservative, Liberal, or Progressive; Independent, Democrat, Republican, Libertarian, or Green, we are here with labels for ourselves with our labels for each other. We're here as believers in high taxes, low taxes, or no taxes; believers in more law, less law, or little law; believers in big is better; believers in less is more. Don't let our labels or beliefs become lock step doggedness that prevents us from acting or from voting from our conscience, from our reason, and let us do what is truly best for the people. Guide our choices, God. Guide our words. Teach our minds to reach You as we seek to do what is right.

God, we are called to act, to choose, to vote from our perceptions of what is necessary, of what matters. We act because we believe we know what is best for our people. No matter what choices are before us this day, remind us, here and now, that we are one people bound by history, by locality, culture, and language. We are Your people. No matter what matters are before us, no matter what bills or debates, lead us and let us act for the good of all people. Let the people come first, Lord, and ourselves and our parties second. Guide our decisions. Amen.

Reading of the Journal of Tuesday, January 24, 2006.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Department of Environmental Protection
To Establish Standards for the Cleanup of Mold
H.P. 1381 L.D. 1971

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

On motion by Senator **COWGER** of Kennebec, **REFERRED** to
the Committee on **NATURAL RESOURCES** and ordered printed,
in concurrence.

Bill "An Act To Make Additional Allocations from the Highway
Fund and Other Funds for the Expenditures of State Government
and To Change Certain Provisions of State Law Necessary to the
Proper Operations of State Government for the Fiscal Years
Ending June 30, 2005 and June 30, 2006" (EMERGENCY)
H.P. 1382 L.D. 1974

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.

Bill "An Act To Amend the Charter of the Lisbon Water
Department" (EMERGENCY)
H.P. 1380 L.D. 1970

Comes from the House, **REFERRED** to the Committee on
UTILITIES AND ENERGY and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED**
to the Committee on **UTILITIES AND ENERGY** and ordered
printed, in concurrence.

COMMUNICATIONS

The Following Communication: H.C. 352

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

January 24, 2006

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

Dear Madam Secretary:

Please be advised that pursuant to House Rule 201.1 (I), the Speaker made the following change to the Committee on Taxation of the 122nd Maine Legislature:

The temporary appointment of Representative DUDLEY of Portland to the Joint Standing Committee on **TAXATION** was rescinded.

Representative PINEAU of Jay was reappointed to the Joint Standing Committee on **TAXATION**, replacing Representative DUDLEY of Portland.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Amend the Maine State Grant Program"
(EMERGENCY)

S.P. 761 L.D. 1978

Sponsored by Senator MITCHELL of Kennebec. (GOVERNOR'S BILL)

Cosponsored by Representative NORTON of Bangor.

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

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **DIAMOND** of Cumberland, the following Joint Order:

S.P. 762

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the Senate, a bill to establish a computer crimes unit within the Maine State Police Crime Laboratory in order to combat child pornography and child abuse.

READ and PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State" (EMERGENCY)

S.P. 649 L.D. 1695

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-435).**

Report **READ and ACCEPTED.**

READ ONCE.

Committee Amendment "A" (S-435) **READ and ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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:

Senate

Bill "An Act to Allow Dragging in Lower Taunton Bay"
(EMERGENCY)

S.P. 703 L.D. 1786

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays

H.P. 1149 L.D. 1631
(C "A" H-731)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

Resolve

Resolve, Directing State Agencies To Assist and Facilitate any Governmental Units Wishing To Work Cooperatively

S.P. 389 L.D. 1127
(C "A" S-434)

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

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (1/12/06) Assigned matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, pursuant to the Maine Revised Statutes, Title 5, section 3371, on Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters
H.P. 15 L.D. 10

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-723)** (7 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - January 12, 2006, by Senator **BRENNAN** of Cumberland

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

(In House, January 10, 2006, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723)**.)

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

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

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. Just quickly, all this bill does is to have the state take a look at whether or not we should be funding firefighters' retirement benefits. These are folks who are on the frontline. These are the folks who are the first responders. All it is doing is taking a look at the issue to find out whether we can afford it or not afford it. I'd strongly encourage my colleagues to support it.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Clukey.

Senator **CLUKEY:** Thank you, Madame President, ladies and gentlemen of the Senate. First of all I'd like to say that I have much admiration for firefighters. They put their lives on the line every day saving property and lives. My opposition to this is not derived from the fact that I don't think the study should be done or that I don't think that they should have this insurance. It's simply the fact of who should pay for it.

When we first took this up in committee, we ended up carrying it over to ask the people that were in favor of this to go out and see if they could find some way to do it on their own. They did and came back to us this session. I got the feeling, listening to their testimony when they came back, that all they really did was just let the time pass and came back to ask for us to do it again. My opposition arises from the fact that I don't think the state should have to pay for this study. I think the municipalities that collectively feel this should be done should come up with the money to do it. Also the fact that I didn't feel that they made an honest effort to do this themselves, they just passed the time away and came back and asked us to do it again. That's where my opposition arises.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. The good Senator from Aroostook, Senator Clukey, makes a good point regarding this. However his point in that most firefighters want this, we certainly thank them for all the work they do. Maybe we don't want to fund it, but maybe we do. Maybe we want to fund it at a little less money. My sense is, because of the seriousness of the volunteer system in this state and for all the work that these people do, all of your firefighters and mine, that I think they deserve at least a chance on the table and have the Appropriations Committee take a look at this, ask further questions, and then see if they do want to fund it. It certainly came out of our committee with a majority Ought to Pass report. I might add that there was no opposition at the public hearing. I think it deserves enough effort on our part to say that maybe it should be funded, maybe we should at least look at it and recognize the need and the work that all of our firefighters do back in our districts. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS**: Thank you, Madame President, men and women of the Senate. As one of the Senate's representatives on the Fire Protection Services Commission, thanks to Madame President, I've been in favor of this. I have been at meetings now for two years, listening to the discussions about this. In my opinion, this is exactly what the state should do. There has been no decision about whether the state or the localities should fund health insurance benefits for firefighters, both permanent and volunteers. That decision hasn't been made. Gathering the information necessary to make that decision is a function I believe best accomplished by the state. That doesn't mean I like study committees. This is not a study committee in the normal sense that we are used to. This is not a summer job for legislators. This is about hiring the technical help necessary to figure out what the details of this insurance product might be or what the tax ramifications of this effort might be. Even though it is potentially \$75,000, this is exactly what we should be doing.

This is all about retention and recruitment for, at least in my district, volunteer firefighters. This is an item that will go to the table. Is it still going to be difficult to get it off the table to fund this in the environment that we are in? This is not an accomplished fact if you vote for this. I urge that you support this. If you are not aware that your local fire departments are having problems with recruitment and retention, please talk to your fire chiefs. In my town I've been a volunteer for over 30 years. We have a pretty good department now, mostly young people, but it's not forever. We don't even know if it's for six months from now. People move around. The young people, especially, move around quite a bit. This is about recruiting and retention and about a function the state, I believe, should perform to help the process, to look forward to deal with what is a very valuable commodity, Madame President. That's volunteer help, especially in the fire service. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN**: Thank you, Madame President, men and women of the Senate. I am somewhat confused, which will not surprise any of you. First of all, I have some questions if I may pose them. They are sort of rhetorical, unless somebody wants to answer them.

THE PRESIDENT: The question before us is acceptance of the Majority report.

Senator **SULLIVAN**: My question is, I heard it said that it dealt with part-time or volunteer firefighters. At one point that had been talk last session on it being full-time firefighters, career firefighters, and volunteers. That would be my question.

How much money are we speaking for the study that we are talking about? Could that study be expanded to health insurance for teachers, under that same report since we've been working piecemeal trying to bring parody up for teachers, which there is also a problem with recruitment? Thank you.

THE PRESIDENT: The Senator from York, Senator Sullivan, poses several questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS**: Thank you, Madame President. The breadth of those questions, Madame President, takes my breath away. \$75,000 is the proposed amount. Don't confuse this proposal with another bill which has gotten some press in the *Maine Sunday Telegram*, for instance, this Sunday about health insurance for permanent firefighters and policemen. I think that is L.D. 1020 or L.D. 1021. That is a separate issue. Even beyond that, hopefully, a separate issue in everybody's mind here, is health insurance for teachers. I suppose we could really look forward and see these things coming together someplace. I would hope that you won't go there, for this small step forward.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Brennan to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, COURTNEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: CLUKEY, DAVIS, WOODCOCK

ABSENT: Senators: ANDREWS, BROMLEY

30 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BRENNAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-723) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

LEGISLATIVE RECORD - SENATE, WEDNESDAY, JANUARY 25, 2006

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 Thursday, January 26, 2006 at 10:00 in the morning.