

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

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

In Senate Chamber
Wednesday
February 1, 2006

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

Prayer by Reverend Douglas Drown of First Congregational
Church in Bingham.

REVEREND DROWN: Good morning. Before I lead you in
prayer I'd like to lead in a very short poem. My predecessor at
the Bingham church, Dr. Arthur McDougal, whom some of you
may remember, was a poet and writer of some note. I think it
takes a rare poet to be able to express both beauty and profundity
in one stanza, but Dr. McDougal could and did do it. Four short
lines. This is entitled Where the Dare Began.

This is the place where the dare began
Where men and women were face to face
With an ancient silence and wilderness as black
As pines in a nameless place.

Isn't that beautiful? My prayer today is that, even as our
ancestors owned a dare to try to eke out a living and to create a
communities in the wilderness of Maine, we, as citizens today,
might own and articulate and seek to actualize a dare to become
faithful citizens working for the betterment of our state and all of
its citizens. Let us pray.

God of all people, God of all life, to whom we look for
guidance and wisdom, be present to this body, we pray, as it
gathers to deliberate and carry out the affairs of state this day.
Whatever our creed, oh God, You call us to live lives of carrying
and justice. Grant that what is done here today may be done for
the common good and for the benefit of the citizens of Maine,
whom the Senate is appointed to serve. May it seek not only the
prosperity of the state, but the verities of compassion and justice,
of dignity for all. We thank You, oh God, for the State of Maine,
whose majestic and tranquil beauty we all enjoy, whose strong
sense of community sets it apart, whose historic pursuit of that
vision of what is right and good has enabled this state to be able
to say 'I lead'. May it be so in this session today. We ask it for
Your name's sake. Amen.

Reading of the Journal of Tuesday, January 31, 2006.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **BRENNAN** of Cumberland, the following Senate Order:
S.O. 48

Ordered, that a message be sent to the House of Representatives
proposing a Joint Convention of the two branches of the
Legislature to be held in the Hall of the House, at 11:00 in the
morning for the purpose of extending to the Honorable Leigh I.
Saufley, Chief Justice of the Supreme Judicial Court, an invitation
to attend and make such communications as pleases her.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator
BRENNAN to deliver the message to the House of
Representatives. The Sergeant-At-Arms escorted the Senator to
the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **BRENNAN**
reported that he had delivered the message with which he was
charged.

COMMUNICATIONS

The Following Communication: S.C. 486

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

January 23, 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 Business, Research and Economic
Development has voted unanimously to report the following bill
out "Ought Not to Pass":

L.D. 1629 An Act To Enable Bulk Purchasing of Heating
Oil Eligible for Federal Reimbursement

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

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

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

The Following Communication: S.C. 487

**THE UNIVERSITY OF MAINE
ORONO, MAINE 04469-5715**

January, 2006

Joy J. O'Brien
Secretary of the Senate
3 State House Station
3rd Floor, Room 327 State House
Augusta, ME 04333

RE: Maine State Government Summer Internship Program

Dear Secretary O'Brien:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 2005 Maine State Government Summer Internship Report for distribution to the Members of the State Senate.

The Maine State Government Summer Internship Program is a full-time, 12-week, paid work experience in a state agency. The Program combines work experience with an educational program designed to provide talented Maine college students an opportunity to participate in and contribute to Maine State Government. Student applications must be received by the Margaret Chase Smith Policy Center by Monday, March 20, 2006. Application forms can be downloaded at <http://www.umaine.edu/mcsc/MeSGIP.htm>.

Thank you for your assistance in making this report available to the Members of the Senate.

Yours truly,

S/Charles E. Morris
Research Associate
Director, Maine State Government Summer Internship Program

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

SENATE PAPERS

Resolve, Directing the State Board of Property Tax Review To Accept and Review the Appeal Filed by the Town of Palermo (EMERGENCY)

S.P. 768 L.D. 1989

Sponsored by Senator WESTON of Waldo.
Cosponsored by Representative PIOTTI of Unity.
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

House

Change of Committee

The Committee on **NATURAL RESOURCES** on Bill "An Act To Amend the Maine Sanitary District Enabling Act"
H.P. 468 L.D. 635

Reported that the same be **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

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

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

REFERRED to the Committee on **UTILITIES AND ENERGY**, in concurrence.

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Preserve Public Access and Job Opportunities in the North Woods"
S.P. 495 L.D. 1406

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

Signed:

Senators:
NUTTING of Androscoggin
BRYANT of Oxford
RAYE of Washington

Representatives:

PIOTTI of Unity
LUNDEEN of Mars Hill
JENNINGS of Leeds
CARR of Lincoln
JODREY of Bethel
SHERMAN of Hodgdon
FLOOD of Winthrop
MAREAN of Hollis
EDGECOMB of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-440)**.

Signed:

Representative:

TWOMEY of Biddeford

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

SECOND READERS

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

Senate

Bill "An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account"
S.P. 648 L.D. 1694

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act Regarding Interscholastic Athletics"
S.P. 26 L.D. 84
(C "A" S-438)

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

Sent down for concurrence.

Off Record Remarks

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 Measure

An Act to Allow Dragging in Lower Taunton Bay
S.P. 703 L.D. 1786

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters

H.P. 15 L.D. 10
(C "A" H-723)

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

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 Specially (1/19/06) Assigned matter:

Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)
H.P. 1027 L.D. 1464
(C "B" H-730)

Tabled - January 18, 2006, by Senator **BRENNAN** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)**, in concurrence

LEGISLATIVE RECORD - SENATE, WEDNESDAY, FEBRUARY 1, 2006

(In House, January 10, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730).**)

(In Senate, January 18, 2006, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730)**, in concurrence. On motion by Senator **BRENNAN** of Cumberland, **RECONSIDERED.**)

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-441) **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Bryant.

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. This amendment just follows the home rule and allows municipalities to produce their own ordinances. That's all the amendment does.

On further motion by same Senator, Senate Amendment "A" (S-441) **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-730) AND SENATE AMENDMENT "A" (S-441), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative CUMMINGS of Portland informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 11:00 in the morning for the purpose of extending to the Honorable Leigh I. Sauffley, Chief Justice of the Supreme Judicial Court, an invitation to attend and make such communications as pleases her.

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

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

Senate at Ease.

Senate called to order by the President.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by the President

Senator **ROTUNDO** of Androscoggin 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.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, February 2, 2006, at 10:00 in the morning.