

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
March 2, 2006

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

Prayer by Reverend Kung-hee Sa of Wayne Community Church,
United Methodist Church.

REVEREND KUNG-HEE SA: Where this is Women's History Month I want to tell you one story about a woman named Mary Scranton who was dispatched as one of the first Christian missionaries to Korea in 1889. There is a special cemetery in Seoul, South Korea, where some 100 Americans are buried. When I worked as a reporter back in Seoul before I became a United Methodist Minister I once visited the cemetery to write a story about it. I learned that these Americans came to Korea in the late 1800's and 1900's and worked for the Korean people as officials in the Korean government, as Christian missionaries, as medical doctors, as educators, as businessmen, and so on. They truly loved Korea and wanted to be buried in their adopted country. The first Christian missionaries to Korea are buried in this cemetery. Eun-young Choi, president of the Korean Women's Society of Christian Service, when making a donation to help the victims of Katrina through the United Methodist Women's Division, told about one of these women, Mary Scranton. She was the American missionary who founded Ewha University in Seoul in 1885. It is the largest women's university in the world. Now the work she began has come full circle. The Korean women's organizations, representing 800,000 women, now reaches out to women and children in the West and is an active partner of the United Methodist Women's Division which has helped more than 100 countries around the world with some \$25 million a year. Ms. Choi said that when Mary Scranton came to Korea more than 120 years ago women in Korea lived in total darkness. Women were not given a name but called by the name of her children. If she remained single, she was called somebody's daughter. If she could not bear a son, if she disobeyed her mother-in-law, or if she became ill, all were legal reasons for her husband to divorce her. Each woman had to obey father, husband, and son into their old age. Only boys were educated. It was into this culture that the Methodist women's organization sent Mary Scranton and other missionaries. All these people left deep marks on Korean history. Mary Scranton founded the first regular school for girls. Mrs. Scranton was a 52-year-old widow who arrived with her son, daughter-in-law, and granddaughter intent on educating girls. In those days, because Koreans had never seen a Westerner, she was called a ghost. She wanted to educate girls, but no girls came. The first student was a concubine of a government official sent to learn English so she could be a translator for King Kojong's wife. She stayed only one month. The second student was a starving child whose mother had no place to go. In the community, fearful of outsiders, it was rumored that once a Western Missionary fed the girl and

educated her, she would be taken to the United States as a teenager and 'you don't know what they will do to the girl.' The mother responded by taking her daughter away from the teacher, saying 'even if I die, I will die with my child.' To counter this rumor, Scranton wrote a contractual letter promising that she would never take a child to the United States. After her 24 years mission in Korea, she died in 1909 and was buried there. By the time Japan annexed Korea in 1910, American missionaries had established about 800 schools for 41,000 students. From the educational efforts of the missionaries came pioneers and many leaders in medicine, farming, and education. King Kojong believed that, of the foreign powers present in Korea, the United States was the only nation that had no hidden agenda. As a consequence, he hired a number of Americans to serve as advisors and officials in his court. The Americans, mostly Christian missionaries, effectively and enthusiastically introduced modern education, medicine, public health, technology, public administration, and democratic ideas. I can't imagine Korea's modernization without these missionaries. A recent article in the New York Times indicated that South Korea has rapidly become second only to the United States as a source of Christian missionaries with more than 14,000 abroad in various locations. They have joined their Western counterparts in more than 160 countries, not in their own language but in the local one or English. There is a saying that when Koreans now arrive in a new place they establish a church; the Chinese establish a restaurant; and the Japanese establish a factory. Who would have thought that Mary Scranton's mission, which started with educating a poor child, would issue in the founding of the world's largest women's university, the producer of so many competent national and worldwide leaders in Korea? Each one of us could create such a similar story to hers here and now. The fruits of righteousness which she reaped in Korea greatly inspires me because I believe that God, by joining people in the waters of their own predicaments, demonstrates their importance in His plan to set things right, to bring justice, and right relations to all people.

Please join me in prayer. The ultimate source of our being, we come to seek to be an inclusive community in which every member is given full justice, dignity, and love and to discern what it means for each of us to respond not just to our own needs or those of our family and community, but to those around the world. Now is the time for us to answer the irresistible call to say yes to what is coming to birth to meet the needs of the whole world. Give us courage to act upon the spirit's promptings for righteousness and build on the foundation of faith in a strong past and move with passion into the future. Amen.

Doctor of the day, Jacob Gerritsen, MD of Camden.

Reading of the Journal of Tuesday, February 28, 2006.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Joint Order:
S.P. 788

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 7, 2006, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Authorize Certain County Jail Employees To Perform Ministerial Functions Related to Preparing Personal Recognizance or Unsecured Appearance Bond" (EMERGENCY)
H.P. 1429 L.D. 2031

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 507

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

February 16, 2006

Honorable Joy O'Brien
Secretary of the Senate
#3 State House Station
Augusta, ME 04333-0003

Dear Secretary O'Brien:

Pursuant to our authority under Title 12, §6447, we have appointed State Representative Edward Mazurek of Rockland to the *Lobster Management Policy Council* as a representative of Zone D.

Should you have any questions regarding this appointment, please do not hesitate to contact us.

Sincerely,

S/Beth Edmonds
Senate President

S/John Richardson
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 508

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

February 23, 2006

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 158, §1890-K, I am pleased to reappoint Sean Myers to serve on the *Maine Library of Geographic Information Board*, representing the public.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 506

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
TASK FORCE TO STUDY
MAINE'S HOMELAND SECURITY NEEDS**

February 27, 2006

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable John Richardson, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2005, Chapter 126, the Task Force to Study Maine's Homeland Security Needs is pleased to submit its second interim report including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Ethan Strimling
Senate Chair

S/Representative Stan Gerzofsky
House Chair

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

The Following Communication: S.C. 509

**STATE OF MAINE
122ND MAINE LEGISLATURE
STUDY COMMISSION REGARDING LIVEABLE WAGES**

February 14, 2006

The Honorable Beth Edmonds, President
Maine State Senate

The Honorable John Richardson, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2005, chapter 128, the Study Commission Regarding Liveable Wages is pleased to submit its completed report including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Philip L. Bartlett II
Senate Chair

S/Representative Arthur L. Lerman
House Chair

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

SENATE PAPERS

Bill "An Act To Amend the Harness Racing Laws Regarding Distributions from the Fund to Supplement Harness Racing Purses" (EMERGENCY)

S.P. 786 L.D. 2042

Sponsored by Senator BARTLETT of Cumberland. (GOVERNOR'S BILL)
Cosponsored by Representative MAREAN of Hollis and Senator: BRYANT of Oxford, Representatives: FLOOD of Winthrop, JODREY of Bethel.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** Unassigned, pending **REFERENCE.**

Bill "An Act To Implement the Recommendations of the Commission To Reform the State Budget Process"

S.P. 790 L.D. 2045

Sponsored by Senator ROTUNDO of Androscoggin. (GOVERNOR'S BILL)
Cosponsored by Representative BRANNIGAN of Portland and Senator: NASS of York, Representative: MILLETT of Waterford.

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

Sent down for concurrence.

Bill "An Act To Further Reduce Mercury Use and Emissions"
S.P. 787 L.D. 2043

Sponsored by Senator COWGER of Kennebec. (GOVERNOR'S BILL)
Cosponsored by Representative DUCHESNE of Hudson and Representative: EBERLE of South Portland.

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

Sent down for concurrence.

**Pursuant to Resolve
Task Force to Study Maine's Homeland Security Needs**

Senator STRIMLING for the **Task Force to Study Maine's Homeland Security Needs**, pursuant to Resolve 2005, chapter 126 asked leave to report that the accompanying Bill "An Act To Enhance the Protection of Maine Families from Terrorism and Natural Disasters" (EMERGENCY)

S.P. 789 L.D. 2044

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

Report **READ**.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** Unassigned, pending **ACCEPTANCE OF REPORT**.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

JoEllen Staples, of Gardiner, for her years of service to the Maine State Legislature. Ms. Staples began working as a Committee Clerk for the Energy and Natural Resources Committee in 1989, then became a Legislative Assistant in the Legislative Information Office. She worked a few years out of the State House before returning in the late 1990s to help organize the Help Desk software that the Maine State Legislature now uses. In 2000 she started work for the House Majority Office. In 2002 she became Committee Clerk for the Taxation Committee and in 2003 she became Assistant Calendar Clerk in the office of the Secretary of the Senate. We extend to her our best wishes on her future endeavors and thank her for her years of service to the State of Maine;

SLS 968

Sponsored by Senator COURTNEY of York.
Cosponsored by Senator: COWGER of Kennebec,
Representative: HANLEY of Gardiner.

READ.

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I thank you for this opportunity to honor a real good friend. My time up here in the legislature has really been much better because of JoEllen Staples. I think anybody that has had the honor to work with her and serve in committee with her has really had the opportunity to enjoy her disarming smile and her cheerful bubbly personality. Being here since 1989 I think is a tremendous accomplishment. I don't know if any of us

want to be here that long. I want to thank you for your service to the state and thank you for your attitude and the way that you make the people around have a nicer day. Thank you, JoEllen.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber JoEllen Staples. Would she please rise and receive the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify Prescription Drug Labels"

H.P. 1267 L.D. 1827

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-763)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-763)**.

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

READ ONCE.

Committee Amendment "A" (H-763) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Accommodate Victims of Identity Theft"

H.P. 1274 L.D. 1834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-759)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759)**.

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

READ ONCE.

Committee Amendment "A" (H-759) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Increase Accessibility to Health Insurance"
H.P. 1242 L.D. 1734

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-758).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-758).**

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

READ ONCE.

Committee Amendment "A" (H-758) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Amend the Laws Governing Employees of the Workers' Compensation Board"
H.P. 1222 L.D. 1715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761).**

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

READ ONCE.

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR** on Bill "An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2007"
(EMERGENCY)

H.P. 1226 L.D. 1719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-762).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762).**

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

READ ONCE.

Committee Amendment "A" (H-762) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Expand Notification Requirements for Internal Control Inquiries Made by Nonstate Organizations"
H.P. 1302 L.D. 1862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-760).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760).**

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

READ ONCE.

Committee Amendment "A" (H-760) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize Municipalities To Create Municipal Fire Districts"
H.P. 978 L.D. 1414

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

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

McFADDEN of Dennysville
HARLOW of Portland
BISHOP of Boothbay
CROSTHWAITE of Ellsworth
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-773)**.

Signed:

Representatives:

BARSTOW of Gorham
SAMPSON of Auburn
MOULTON of York

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

Reports **READ**.

On motion by Senator **SCHNEIDER** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit Parking in Access Aisles" (EMERGENCY) H.P. 1213 L.D. 1706

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-764)**.

Signed:

Senators:

DAMON of Hancock
DIAMOND of Cumberland
SAVAGE of Knox

Representatives:

MARLEY of Portland
COLLINS of Wells
FISHER of Brewer
HOGAN of Old Orchard Beach
MAZUREK of Rockland
PARADIS of Frenchville
SAMPSON of Auburn
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 "B" (H-765)**.

Signed:

Representatives:

BROWNE of Vassalboro
McKENNEY of Cumberland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)**.

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-764)** 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 BY COMMITTEE AMENDMENT "A" (H-764)** Report, in concurrence.

Divided Report

The Majority of the Committee on **UTILITIES AND ENERGY** on Bill "An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding" H.P. 470 L.D. 637

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

Signed:

Senator:

WESTON of Waldo

Representatives:

RICHARDSON of Skowhegan
FITTS of Pittsfield
RINES of Wiscasset
CURTIS of Madison
McLEOD of Lee
FLETCHER of Winslow
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-740)**.

Signed:

Senators:

BARTLETT of Cumberland
COWGER of Kennebec

Representatives:

BLISS of South Portland
BABBIDGE of Kennebunk
BRAUTIGAM of Falmouth

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-740).

Reports **READ**.

Senator **COWGER** of Kennebec moved the Senate **ACCEPT** the Minority **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 Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Senate

Ought to Pass Pursuant to Resolve

Senator **COWGER** for the Committee on **NATURAL RESOURCES** on Resolve, Regarding Source Water Protection Recommendations

S.P. 785 L.D. 2037

Reported that the same **Ought to Pass**, pursuant to Resolve 2005, chapter 29.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass

Senator **DAMON** for the Committee on **TRANSPORTATION** on Bill "An Act To Make Allocations from the Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2007"

S.P. 756 L.D. 1966

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator **BROMLEY** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Regulate Fire Alarm Contractors"

S.P. 524 L.D. 1508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-468).

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

READ ONCE.

Committee Amendment "A" (S-468) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BROMLEY** for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Charitable Solicitations Act"

S.P. 684 L.D. 1767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-469).

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

READ ONCE.

Committee Amendment "A" (S-469) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BRYANT** for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Support Fishing Derbies" (EMERGENCY)

S.P. 757 L.D. 1967

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-463).

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

READ ONCE.

Committee Amendment "A" (S-463) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **COWGER** for the Committee on **NATURAL RESOURCES** on Bill "An Act To Sustain Good Local Planning Practices" (EMERGENCY)

S.P. 719 L.D. 1802

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-470)**.

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

READ ONCE.

Committee Amendment "A" (S-470) **READ**.

On motion by Senator **COWGER** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-470).

Senator **PERRY** for the Committee on **TAXATION** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-464)**.

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

READ ONCE.

Committee Amendment "A" (S-464) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464)**.

Ordered sent down forthwith for concurrence.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Amend the Statutes Governing the Commercial Fishing Safety Council"

S.P. 681 L.D. 1764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-467)**.

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
ANDREWS of York

Representatives:

PERCY of Phippsburg
FLETCHER of Winslow

EMERY of Cutler
DUGAY of Cherryfield
ASH of Belfast
EDER of Portland
KAELIN of Winterport
ADAMS of Portland

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

Signed:

Representative:

CRESSEY of Cornish

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-467) **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:

House

Bill "An Act To Conform the Maine Tax Laws for 2005 to the United States Internal Revenue Code" (EMERGENCY) H.P. 1296 L.D. 1856

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1217 L.D. 1710
(C "A" H-756)

Resolve, To Direct the State Planning Office To Establish a Working Group To Standardize Accounting Standards at All Levels of Government

H.P. 1220 L.D. 1713
(C "A" H-752)

Bill "An Act To Establish the Securities Investor Education and Training Fund"

H.P. 1295 L.D. 1855
(C "A" H-753)

Bill "An Act To Improve the Ability of the Department of Corrections To Share Information Related to Clients in Order To Improve Treatment and Rehabilitative Services"

H.P. 1301 L.D. 1861
(C "A" H-751)

Bill "An Act To Amend the Laws Pertaining to the Department of Corrections"

H.P. 1326 L.D. 1886
(C "A" H-754)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate

Bill "An Act Concerning Members of School Administrative Districts' Finance Committees"

S.P. 697 L.D. 1780

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option

S.P. 150 L.D. 463
(C "A" S-457)

Bill "An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping"

S.P. 685 L.D. 1768
(C "A" S-462)

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

Sent down for concurrence.

Bill "An Act To Increase Certain Fees Paid for Service of Writs and Complaints"

S.P. 696 L.D. 1779
(C "A" S-461)

READ A SECOND TIME.

On motion by Senator **SCHNEIDER** of Penobscot, 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 Senator **DAVIS** of Piscataquis.

Senator **DAVIS:** Thank you, Madame President. This is a bill that I sponsored. I would like to just briefly go from my memory and explain to the Senate what this is all about. Early last fall I was contacted at my home by a couple of part-time deputy sheriffs who serve civil process for the State of Maine. They told me they could not do it any more because they couldn't make any money out of it. Looking into it, as I told them I would do, I found out that, and I'm going from memory, the last time the fees were increased by the state was in 1981. They were increased in 1989 as to what the attorneys must pay to have civil process served but the part-time deputies received no increase at all. This legislation has been in a number of times before. It's made it to the Appropriations Table a number of times and has been killed there for lack of money. The good Senator from Aroostook, Senator Martin, is eager this morning, I can see, and I would just like to say that the sheriff of Aroostook County told me his father had been serving papers all those years and he didn't think there had been any increase for 40 years. I would hope that everyone could see fit to vote for this. Thank you very much, Madame President.

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

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I will be supporting the legislation but I do pose a question to the good Senator from Piscataquis, Senator Davis, as to whether or not the Republican Party will be using it as a campaign issue in raising fees?

At the request of Senator **PLOWMAN** of Penobscot, Bill **READ**.

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

Senator **SCHNEIDER:** Thank you, Madame President. I wish to tell my colleagues in the Senate that I voted in favor of this piece of legislation and I commend the Senator from Piscataquis, Senator Davis, for bringing this to us. It's well needed. The reason I asked for a roll call is because I don't think it's any surprise to anybody that often times we are criticized on our side of the aisle for raising fees and raising taxes. Unfortunately, we've been put in a position in our committee, State and Local Government, where we've felt the need to support such increases because for such a long time they have been neglected. I think it's time for us all to recognize that sometimes you just can't neglect people and neglect these issues any longer and you must address them and you must have the courage to go ahead and stand and address them. We ought not to use them as political footballs either. I do support the good Senator from Piscataquis, Senator Davis' bill, but I do wish to just make that statement for my colleagues. Thank you.

ROLL CALL (#311)

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I would like to point out to you that these are not fees that will be accruing to the General Fund, to the county, or to any other government organization. These are actually the paychecks for providing a bona fide dedicated service. I objected to the title of this bill, but unfortunately that is what we call these kinds of things when you are paying them to the deputy. Everyone who has ever had to serve anyone in a suit knows that you have to have it delivered and the cost of everything is going up. I would differentiate this kind of bill from any other kind of bill that we pass around here because this is not a revenue-gathering bill for any organization. Instead it is a paycheck, a direct paycheck, to the person performing the duty. While I objected to this bill on its face because of exactly this reason, I do believe that people who perform this service should be adequately reimbursed. There is a huge difference here. I appreciate that it was a unanimous committee report. It shows that sometimes we do the right thing even though there are political footballs that are going to be tossed around. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Madame President. I wish to answer the good Senator from Aroostook, Senator Martin's question to me. Having been the recipient of numerous push polls and other negativity, I will use all the influence I can, Senator, to make sure this doesn't come to you. As far as funding, Madame President, I would suggest that the Department, having lost millions of dollars over the years, could find enough within their budget to fund this minor increase for the people who have not had a raise since 1981. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. I just can't resist responding to the Senator from Aroostook, Senator Martin, also. One interesting thing about these fees is that I remember there is a substantial amount of money that the state has to pay in the form of these fees. DHHS has a lot of paper served. The bill is substantial. We, collectively, are paying this fee and not the recipient of much of it. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

NAYS: Senator: COURTNEY

ABSENT: Senators: BARTLETT, TURNER

32 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

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:

Resolve

Resolve, Creating a Forensic Board To Manage the Release of Certain Sex Offenders

H.P. 1229 L.D. 1721

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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 (2/28/06) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt Vegetable Seeds for Home Gardens from the Sales Tax" (EMERGENCY)

H.P. 1263 L.D. 1823

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-757)** (3 members)

Tabled - February 28, 2006, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, February 16, 2006, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**.)

(In Senate, February 28, 2006, Reports **READ**.)

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Criminal Code and Various Provisions Related to Juveniles"

S.P. 688 L.D. 1771

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-472)**.

Signed:

Senators:
DIAMOND of Cumberland
NUTTING of Androscoggin
CLUKEY of Aroostook

Representatives:

PLUMMER of Windham
HANLEY of Gardiner
GREELEY of Levant
SYKES of Harrison
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:

Representatives:

BLANCHETTE of Bangor
CHURCHILL of Washburn
GERZOSKY of Brunswick
GROSE of Woolwich

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-472) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

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

Senator **MAYO** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

Senator **PLOWMAN** of Penobscot 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.

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

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement and Abatement Costs
H.P. 1438 L.D. 2040

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.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Protect the Privacy of Cellular Telephone Customers"
H.P. 1436 L.D. 2038

Bill "An Act To Enhance Maine's Energy Independence and Security"
H.P. 1439 L.D. 2041

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

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

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Audit**

The **Department of Audit**, pursuant to the Maine Revised Statutes, Title 36, section 1604 asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY)

H.P. 1437 L.D. 2039

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

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

Senate at Ease.

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1432

ORDERED, the Senate concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the House, a bill relating to denturists.

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

READ and **PASSED**, in concurrence.

The following Joint Order:

H.P. 1433

ORDERED, the Senate concurring, that the Joint Standing Committee on Business, Research and Economic Development shall report out, to the House, a bill relating to payday advance services.

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

READ and **PASSED**, in concurrence.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 7, 2006, at 10:00 in the morning.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1440

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall report out, to the House, a bill to name the new bridge in the City of Augusta spanning the Kennebec River.

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

READ and **PASSED**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1441

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife shall report out, to the House, legislation implementing the recommendations of the ATV Trail Advisory Council.

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

READ and **PASSED**, in concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.
