

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature

State of Maine

Daily Edition

First Regular Session
December 6, 2006 to June 21, 2007

Pages 1 - 1266

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

December 6, 2006

In Senate Chamber
Wednesday
December 6, 2006

To Joy J. O'Brien, Secretary of the Senate in the One Hundred and Twenty-second Legislature:

Pursuant to the Provisions of the Constitution and the laws of the State of Maine, the Senators-elect of the One Hundred and Twenty-Third Legislature convened in the Senate Chamber and were called to order by Joy J. O'Brien, Secretary of the Senate of the One Hundred and Twenty-Second Legislature.

I, MATTHEW DUNLAP, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following are the names and residences of the Senators-elect to the One Hundred and Twenty-third Legislature, in accordance with the tabulation submitted to the Governor on November 27, 2006:

Prayer by Reverend John J. Ward-Diorio, The First Parish Church Congregational UCC in Freeport.

- District 1 PETER B. BOWMAN, Kittery
- District 2 RICHARD A. NASS, Acton
- District 3 JONATHAN T.E. COURTNEY, Sanford
- District 4 NANCY B. SULLIVAN, Biddeford
- District 5 BARRY J. HOBBS, Saco
- District 6 PHILIP L. BARTLETT II, Gorham
- District 7 LYNN BROMLEY, South Portland
- District 8 ETHAN K. STRIMLING, Portland
- District 9 JOSEPH C. BRANNIGAN, Portland
- District 10 BETHEDA G. EDMONDS, Freeport
- District 11 KARL W. TURNER, Cumberland
- District 12 G. WILLIAM DIAMOND, Windham
- District 13 DAVID R. HASTINGS III, Fryeburg
- District 14 BRUCE S. BRYANT, Dixfield
- District 15 LOIS A. SNOWE-MELLO, Poland
- District 16 MARGARET R. ROTUNDO, Lewiston
- District 17 JOHN M. NUTTING, Leeds
- District 18 WALTER R. GOOLEY, Farmington
- District 19 PAULA I. BENOIT, Phippsburg
- District 20 DANA L. DOW, Waldoboro
- District 21 EARLE L. MCCORMICK, West Gardiner
- District 22 CHRISTINE R. SAVAGE, Union
- District 23 CAROL WESTON, Montville
- District 24 ELIZABETH H. MITCHELL, Vassalboro
- District 25 LISA T. MARRACHE, Waterville
- District 26 S. PETER MILLS, Cornville
- District 27 DOUGLAS M. SMITH, Dover-Foxcroft
- District 28 DENNIS S. DAMON, Trenton
- District 29 KEVIN L. RAYE, Perry
- District 30 ELIZABETH MONTGOMERY SCHNEIDER, Orono
- District 31 RICHARD W. ROSEN, Bucksport
- District 32 JOSEPH C. PERRY, Bangor
- District 33 DEBRA D. PLOWMAN, Hampden
- District 34 ROGER L. SHERMAN, Hodgdon
- District 35 JOHN L. MARTIN, Eagle Lake

REVEREND WARD-DIORIO: Let us join our hearts and spirits in prayer. Most gracious and holy God, we gather together today in celebration and in anticipation. We celebrate the election of these fine women and men as they take their places as Maine State Senators. We look forward in anticipation for what it is they may accomplish over the course of the next two years. Their districts and their constituents have entrusted them to speak, listen, and act in their best interests and also in the interest of the common good for all the people of the State of Maine. We ask, God, that Your spirit may lead these Senators in pursuit of compassion and fairness, especially when they must seek to balance the best interests of different groups. May they also remember that You have called on leaders, both civic and religious, to care first for those most in need, those most vulnerable, and those least able to help themselves. God, in this season of advent as Christians celebrate it, we are to spend time watching and waiting in hope for how You may come to us this year. We believe that hope becomes reality in part through the efforts of all Your people. May Your spirit stir in this Body as a whole, that it may work together to accomplish what one individual, one party, cannot do alone. Be with the leadership of this fine assembly, both new and experienced, so that they may find ways to work cooperatively with each other and with the whole Body to improve the health and welfare of all the people found within our borders. It is a large task that lies before these elected officials. God, may You help them bring their very best selves to the work at hand. May they aid in fulfilling the deepest needs and hopes of all the people of our wonderful state. Amen.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this sixth day of December in the year Two Thousand and Six.

Pledge of Allegiance led by Senator-elect Dennis S. Damon of Hancock County.

S/MATTHEW DUNLAP
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Senate Communication: S.C. 1

**STATE OF MAINE
Office of the Secretary of State**

QUORUM CALL

The Doorkeepers secured the Chamber.

The Assistant Secretary opened the vote.

ROLL CALL (#1)

PRESENT: Senators-elect: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, EDMONDS, GOOLEY, HASTINGS, HOBBS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON

34 Senators-elect having answered to the Roll, the Secretary declared a quorum present.

On motion by Senator-Elect **MITCHELL** of Kennebec, the following Senate Order:

S.O. 1

Ordered, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the constitution to qualify them to enter upon the discharge of their official duties.

READ and PASSED.

The Secretary appointed the Senator-elect from Kennebec, Senator-elect **MITCHELL** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator-elect to the Governor's Office.

Senate at Ease.

Senate called to order by the Secretary.

Subsequently, the Senator-elect from Kennebec, Senator-elect **MITCHELL** reported that she had delivered the message with which she was charged.

ORGANIZATION OF THE SENATE

The Honorable John E. Baldacci, Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

GOVERNOR BALDACCI: Thank you very much. Please be seated. Joy is still giving the coaching tips. Thank you very much, I don't know what we'd do without you.

Thank you all. This is a very joyous day, a day full of hope and optimism and a lot of good spirits are here today. I want to

welcome the family members and the extended family members that are part of the operation of their State Senator. I want to congratulate the State Senators on doing a terrific job and am looking forward to working with each and every one of you today.

I did want to mention at the beginning, for those of you who may not be aware of it, the flags are at half-staff today in remembrance for the soldier who died in Afghanistan, Captain Keating, and to remember those that have lost their lives in Pearl Harbor on December 7th. While we are celebrating today, there are those who are still in harms way that we think about continually and I have to say, as Governor, I've been probably the most proud when I speak with families to realize how patriotic and how dedicated our young men and women are and how fortunate we are to live here in the state of Maine and to have them as citizens of our state.

As we look forward, I want you to know we have a new addition to our household across the street. When you are there, watch out for a very small puppy named Mia, just in case when you come over for the reception. She's a welcomed addition. Unfortunately, it's a shared responsibility that my son hasn't enjoyed just yet but he will.

Please rise for the swearing in.

The Senators-elect took and subscribed to the oaths of office required by the Constitution.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

ELECTION OF SENATE OFFICERS

Senator **PERRY** of Penobscot **NOMINATED** Senator **BETHEDA G. EDMONDS** of Cumberland for the Office of President of the Senate of the 123rd Legislature.

Senator **PERRY:** Thank you, Madame Chair, men and women of the Senate. It truly is a great honor for me to stand here today and nominate Beth Edmonds for the office of President of the Senate. Two years ago, when I was sworn in for the first time, I didn't really know Beth that well. We had served together in the Legislature for four years. I was in the other Body. I never had the pleasure of serving on a committee with her. I knew she was a very nice, competent lady. That was about all I knew. On swearing in day Senator Rotundo made a nominating speech that really stuck with me. So as I prepared I went back to the Legislative Record and looked at what Senator Rotundo had to say. I want to read just a little bit of what came out of her speech. She said, 'Senator Edmonds has demonstrated those qualities which make her a great leader. She has the capacity to bring people together around a common vision and to mediate differences. She listens well. She was fair and respectful of different opinions. She was calm in the time of crisis. Furthermore, and perhaps most importantly, Senator Edmonds has an internal moral compass that always points her in the right direction.' She also went on to say, 'Her commitment to justice for all people in the state is deep, unwavering, and inspiring. Senator Edmonds embodies those qualities of honesty, humility, tough mindedness, perseverance, compassion, fairness, and intelligence.' I knew there was no way I could come up with anything more fitting than that. I want all the new members to

hear that because two years later it has been proven to me, conclusively, that those words are true and I know you will learn the same over the next two years. I'm encouraged by the make up of the Senate. I'm encouraged by the Leadership we've chosen on both sides of the aisle. I know Beth Edmonds is the right leader at this time for us to have for what I think will be the most productive two years in my time here. I'm very thankful for the opportunity to nominate Beth Edmonds and I look forward to electing her President this morning. Thank you.

Nomination seconded by Senator **ROTUNDO** of Androscoggin.

Senator **ROTUNDO**: Men and women of the Senate, it is a special honor to be able to second the nomination of Beth Edmonds for President of the Senate. As the good Senator from Penobscot, Senator Perry, pointed out, whenever anyone asks me about Beth I always describe her as the moral compass of this Body who always points us in the right direction through her words and examples to do the right thing and the just thing for the people of Maine. Her qualities as a human being are the qualities that make her an extraordinary leader. People who deal with Beth Edmonds are always respected and valued by her, regardless of differences of opinions on issues or differences in party affiliation. In the 122nd session we were able to move major pieces of legislation forward because of President Edmonds' capacity to bring people together, to listen to their concerns with respect and sensitivity, and to fashion solutions that met everyone's needs. Senator Edmonds has always cared more about getting the job done than about getting personal credit for the work and that quality has enabled us to accomplish much more for the people of Maine. We are so very fortunate to have the opportunity to elect as Senate President someone of Senator Edmonds' extraordinary wisdom, integrity, courage, and compassion. I urge you all to join me in supporting her nomination. Thank you.

On motion by Senator **WESTON** of Waldo, nominations ceased.

Senator **WESTON**: On November 8th we all found that Maine State Senate would be a much different Senate than the one during the 122nd. We found the 123rd would not be a divided Body. We saw the Senate would need to be a bi-partisan group that would work together to bring Maine back to the state that many of us remember, back to what our constituents required of us on November 7th. Today we took an oath, a promise to our constituents, a promise to faithfully discharge the duties incumbent upon us. The promise we made today was not to be partisan. It was not to say that I'm a Republican and that I cannot work with a Democrat. It was not to say that we couldn't do what is fair or what is right because we sit on different sides of this Chamber. We took an oath to say that we all have one common purpose and one common goal. We, as State Senators, over the next few months have one charge; we need to fix Maine. It will not be easy, but it will be made much harder if we continue down a path of partisan. The voters have set the foundation of a bi-partisan Senate. We have a window of opportunity from now until mid-January to design the framework for our committee structure that can rise out of a bi-partisan foundation that the voters have asked for. With such a different House and Senate I think this year we owe it to those voters to re-work how we do business in Augusta. We have an opportunity not only to work together but to work together for that common goal; to make Maine great again.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Beth G. Edmonds of Cumberland for the Office of President of the Senate for the 123rd Legislature.

This being done, Senator **BETHEDA G. EDMONDS** of Cumberland was duly elected President of the Senate of the 123rd Legislature.

The Secretary requested the Senator from Penobscot, Senator **PERRY** and the Senator from Androscoggin, Senator **ROTUNDO** escort the President-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of President. The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **PERRY** and the Senator from Androscoggin, Senator **ROTUNDO**, and President-elect **EDMONDS** of Cumberland to the Governor's Office.

Senate at Ease.

Senate called to order by the Secretary.

Subsequently, the Senator from Penobscot, Senator **PERRY**, reported that they had attended to the duties with which they were charged and were pleased to report that Senator **BETHEDA G. EDMONDS** of Cumberland had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Office of President of the Senate of the 123rd Legislature.

Thereupon, President **EDMONDS** of Cumberland was escorted to the rostrum by the Sergeant-At-Arms and addressed the Senate. (Amid applause, the Members rising).

THE PRESIDENT: Thank you very much. Good morning everyone. Welcome, to the First Regular Session of the 123rd Maine Legislature. Welcome also to those of you watching our proceedings on the internet. We are pleased to provide this new access to the sights as well as the sounds of the Maine State Senate. That's what these strange little creatures on the walls have become. Welcome especially to all our Senators. I thank each of you for your commitment to the great State of Maine and I applaud your steadfast determination to serve. You are a brilliant group of people, my fellow Legislator. You bring to this Senate Chamber an impressive and broad spectrum of experience, unique talents, and an enthusiastic desire to improve the quality of life for everyone in Maine. You are a true reflection of the talent and dedication of Maine people.

I am honored and humbled to stand before you today as Senate President. I am quite glad to be up here. It's a familiar yet somewhat different feeling to be at this rostrum. Every Legislature is unique and this 123rd Legislature has the opportunity to do great things. I'm going to have to get used to people sitting in different seats.

Thank you Senators Perry and Rotundo for nominating me. I am grateful for the honor and the confidence placed in me and

will work hard to earn and maintain the confidence and trust of each member of this Body.

Today, the first day of the 123rd Legislature, is a special day for each of us. Before we begin the important work ahead, let us thank those who have brought us to this moment, our friends and families. Many of you are here today. I personally want to recognize the citizens of Senate District 10, and especially my friends and co-workers at the Freeport Community Library, for making it possible to be here today. That's no joke. They hold down all the important things that need to get done with great aplomb and I am deeply grateful. More than ever, I thank my husband, Dan Nickerson, for those long nights of keeping me giggling when we were trying to decide important details here. Thanks, Dan.

Now, please join me in welcoming and thanking all of the special people in each of our lives for their love, encouragement and support.

On a lighter note, I'd like to think that the time for women as leaders in government has reached new levels with my friend Senator Weston as Republican Leader, my friend Libby Mitchell as Senate Majority Leader, and Representative Hannah Pingree as the new Majority Leader in the House of Representatives. In addition to them, we have women leading in Washington; with Nancy Pelosi as Speaker of the House and Susan Collins and Olympia Snow as our U.S. Senators. Together we can help the people of Maine and America to a better tomorrow today.

I've been thinking a lot lately about my Grandmother, my Father's mother. Beatrice Tryon Edmonds. She was a little tiny woman and my whole family lived with my grandparents until I was 5 years old. I found a picture not too long ago of her in 1920 on the back of a wagon in Northern New York with a sign that said 'Women Vote'. I'm thinking fondly of her today. She also reminded me that we have to look out for each other. Remembering this, I challenge us, as did the Senator from Waldo, Senator Weston, to put partisanship aside so that we can truly be a unified Legislature working for the greater good of Maine.

As I enter in to my second and final term as Senate President, I again want to find and nurture the seeds we can grow from the common ground between us. Working with the Executive Branch, we all can move Maine forward by working together. I have so much optimism about our state. I want to talk about how fortunate we are to live in Maine. More people are settling here than leaving. Many of us here today chose to move here from away because of Maine's quality of place. From 2000 to 2005, Maine gained 41,808 residents through in-migration and had a net in-migration rate of 5.4%. Last week, Frommer's, we have this guidebook at the library so I know, a very respected guide book publisher ranked Portland as 12th in its worldwide 'Top Travel Destinations for 2007'. Last Friday The New York Times travel section featured Bethel as its 'American Journey' of the week. Maine's overnight marketable trips in 2005 increased 12% compared to 2% nationally. This is just a snapshot of the reasons we should be optimistic.

This is also a moment of great opportunity for Maine. We are poised to enter an era of greater prosperity, if only we can make some tough decisions and find new ways to work together. We do not have unlimited time before the window of opportunity closes or the special qualities of this state are lost forever. This requires us to have courage, the courage to take bold actions. Together we must have faith we will further improve the State of Maine. We have an exceptional opportunity to make government more effective and efficient by considering recommendations

presented by several respected groups. The alternatives to TABOR made by the Coalition led by the Maine State Chamber of Commerce last year gives us the opportunity to closely examine our tax policy. The State Board of Education and Maine Children's Alliance both agree the time is now for moving forward with regionalizing school administration. Finally we have the recent recommendations for Charting Maine's Future from the Brookings Institution. The face of Education in Maine has changed dramatically in the past 50 years. At the time of school regionalization under the Sinclair Act in 1957, computers, cell phones, and statewide interconnects were not even a dream. Today, we have the opportunity to shape education school districts for the 21st century.

I am optimistic that many groups will work together and with us as we streamline government. We will find and implement new ways of doing things that allow us to do more with less. I know there are better mouse traps out there, and I have faith we will find many of them. There is a great opportunity presented to us by the Presiding Officers Ethics Advisory Committee, which has written recommendations helping to define Legislators' ethics. I am optimistic that we will give their strong work the attention it deserves. I will introduce a bill in this session that reflects the committee's conclusions. I have faith we will take action to preserve the public's trust in the openness and fairness of our deliberations.

We have opportunities to make better lives for Maine families. We have the opportunity to enact laws which will reduce the incidence of domestic violence in our state. We absolutely must do this. Just a few weeks ago, in Palmyra, 13 year old Anthony Tucker was killed by his mother's boyfriend. I have faith that we, together, can do our part to stop this kind of violence in Maine. We have the opportunity to take better care of our elderly and those who are otherwise unable to competently care for themselves. People who require personal care must be ensured skilled workers who are paid a meaningful wage. We also must help all families, especially those in our middle class, to have the opportunity for a home they can afford. We must work to help make this hope become a reality for Maine people who need and deserve it.

I am optimistic that we will be fiscally responsible; adequately reimbursing hospitals, nursing facilities, and other health care providers as we go forward. I have optimism that we can bring all the players together and put aside partisanship and improve the health and safety of Maine people. I have faith that when we leave here at the end of the 123rd legislature we have invested in affordable housing, addressed domestic violence, and met our commitments to hospitals and other health care providers.

Finally, we are standing on the brink of a new era of prosperity for Maine. Opportunities abound. Our greatest resource is Maine people. Back home I see this every day in the children who visit the Freeport Community Library. I've seen them grow over time to become involved participants in our community. In fact, there is a lobbyist in this building, who I won't name, who used to come to my story time when she was 5 years old. This is happening across our state. We can be proud that Maine's K-12 students continue to perform at levels placing them among the highest in the nation. I am optimistic that we will fulfill our commitment to fund 55% of education costs in the upcoming biennium. I am certain that we will continue investing in education, research, development, and innovation to grow Maine's economy. Our community college system has grown incredibly and is in high demand now. We cannot stop here.

Now is the time to provide more advanced education for Maine people to gain the skills needed for good-paying jobs of the future.

I am optimistic about our economy. Our hard work on Economic Development and R&D are already boosting prosperity in Maine. The Select Committee on Research, Development and Innovation is making recommendations for legislation that will move Maine ahead of the curve and competitive in the world market. I have faith that we will continue seizing opportunities for technologies and markets like wood composites, organic farming, and new energy sources.

We have the opportunity to re-evaluate how tax dollars are raised and how and why they are spent. Theories of widespread government waste are not true. Don't believe me; just wait until you are there and we have to identify and make those cuts. There are hard choices before us, necessary choices, but hard nonetheless.

In conclusion, we must take bold action this session. We have the finest insights from many of the nation's best and brightest before us in the four reports I cited earlier. Leaders from both bodies are developing a plan to implement these studies. This session we will ask the policy committees to evaluate those ideas that fall under their jurisdiction. They will present their best recommendations, which will then be brought together near the end of session to a key group of legislators. That group will recommend a single comprehensive package. We must be bold. We must take hold of the opportunity to streamline our government, modernize Maine's tax system, invest in education, and in our innovation economy. I have faith that we will succeed and in so doing will lay the foundation for a more prosperous future. The opportunities before us are plentiful. Seizing them will require courageous action and strong leadership. Fortunately the Senate is blessed with bipartisan leadership who are up to this task. Senate Majority Leader Libby Mitchell and Assistant Senate Majority Leader John Martin bring a wealth of Legislative knowledge and experience. My Republican colleagues, Senator Weston and Senator Rosen, and I have already met to begin the job of keeping the lines of communication open. There are many times when we must put aside differences, be bold and negotiate for the common good.

In conclusion, I'll refer to the recent Brookings report. They wrote it so well it bears repeating, 'We must find common ground. We're a small state with limited resources. We have to focus on a few things and do those well. We also cannot much longer afford the luxury of division, as people from northern or southern Maine, Democrats, Republicans, natives and newcomers, urban and rural, conservatives and liberals. We must become one Maine.' One Maine, our Maine, boldly moving forward into the future. Thank you very much.

Senator **BROMLEY** of Cumberland **NOMINATED JOY J. O'BRIEN** of Portland for the Office of Secretary of the Senate of the 123rd Legislature.

Senator **BROMLEY**: Thank you, Madame President and colleagues in the Senate. It is an honor and a privilege for me to place in nomination the name of Joy J. O'Brien for the position of Secretary of the Senate. Her qualifications are impressive and well known by all who have served in this Body over the past two-plus decades. She has served in the Maine Senate for 26 years,

21 of those as the Secretary of the Senate. During that time she has served eight Senate Presidents and five Governors. She has also served as a member of the American Society of Legislative Clerks and Secretaries. She is well known for her command of the rules and her ability to get the job done. There can be no argument that Joy J. O'Brien has a resume unmatched for the position of Secretary of the Senate. More than that, to my mind and something that can't really be described on a resume, is Joy's love for this institution and she expresses it every single day. She has a keen awareness of the role of this Body and often times, or occasionally I should say, if there are disputes about the role of the Senate she's there to remind us what it is and to defend us and this institution. If you don't already know it, you will come to know and appreciate this on a very deep level. This can be a difficult path, negotiating life as a Senator, particularly for those of us in this Chamber today that are new. With Joy at your side you won't make a misstep. I promise you that she can help you. She, more than anyone except perhaps each other, understands what we leave behind and what we put aside to do this work and she honors us in her service to us every day. Also this office and our proceedings have become more accessible, as you can see and hear today. The work that made this all possible happened in Joy's office. I asked her a couple of years ago to tell me what it is like and what she likes about this job because she does it so beautifully. She said this, and this is very Joy, 'There is a lot of history made here, a lot of good is done in this Chamber, and I'm proud to think that I served the people in some small way to help that happen.' We all know it's not small. It's far from small. She is our champion. She protects the rights of the Senate and in this era of term limits it becomes all the more important. She protects the rights of the Senate. She protects her Senators, whatever side of the aisle they are on. She holds the history of the Senate and she is, in my mind, the heart of the Senate. It was with great enthusiasm and delight that I nominate Joy J. O'Brien for Secretary of the Senate. Thank you.

Nomination seconded by Senator **HOBBS** of York.

Senator **HOBBS**: Thank you, Madame President and men and women of the Senate. It is truly an honor and a pleasure for me to second the nomination of Joy J. O'Brien for the position of Secretary of the Senate of the 123rd Maine Legislature. My relationship with Joy O'Brien goes back 34 years, when I first met her when I was sworn into the 106th Maine Legislature in 1972 at the ripe age of 21. I was sworn in on that day with her father, Jack O'Brien, who is proudly attending this session with his wife and lifelong partner and Joy's mother, Jadine O'Brien. The good Senator, my colleague from Cumberland, Senator Bromley, eloquently articulated the reasons why Joy O'Brien deserves to continue to competently serve in her capacity in this Body. No one can question Joy O'Brien's qualifications for this position. Her resume is, as the good Senator said, unmatched in any form you can think of, nationally and otherwise. In addition to Joy's activities in the State of Maine and in this Body as a public official, she has been a very proactive member of the American Society of Legislative Clerks and Secretaries and is recognized nationally for her administrative expertise. She possesses all of the requisite qualities that this office requires. She is smart, reliable, resilient, and extremely patient. She is courteous to the members and to the public and respectful to the institution that we are sitting in and participating in. She is an excellent administrator and parliamentarian. She has that essential institutional memory

that all of us understand is required, especially in the year of term limits. She is an exceptional individual who has put together an efficient and effective office. You will find out, the new Freshmen in this Body, that it does not make any difference if you are a Democrat, a Republican, or an Independent. You will always get the same type of courtesy, respect, and service from Joy O'Brien. Joy has mentored and tutored many of us through the complicated Parliamentary maze of the legislative process. She is the consummate professional. It is with a great deal of honor and pride that I once again second the nomination of my good friend Joy J. O'Brien and I encourage my fellow colleagues in this Body to join me. Thank you very much.

On motion by Senator **ROSEN** of Hancock, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Joy J. O'Brien of Portland for the Office of Secretary of the Senate for the 123rd Legislature.

This being done, **JOY J. O'BRIEN** of Portland was duly elected Secretary of the Senate of the 123rd Legislature.

The Chair requested the Senator from Cumberland, Senator **BROMLEY**, and the Senator from York, Senator **HOBBS**, escort the Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of Secretary of the Senate. The Sergeant-At-Arms escorted the Senator from Cumberland, Senator **BROMLEY**, the Senator from York, Senator **HOBBS**, and Secretary-elect **JOY J. O'BRIEN** of Portland to the Governor's Office.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from Cumberland, Senator **BROMLEY**, reported that they had attended to the duties with which they were charged and were pleased to report that **JOY J. O'BRIEN** of Portland had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Secretary of the Senate of the 123rd Legislature.

Senator **ROTUNDO** of Androscoggin **NOMINATED JUDITH DELFRANCO** of Fairfield for the Office of Assistant Secretary of the Senate of the 123rd Legislature.

Senator **ROTUNDO**: Thank you, Madame President, men and women of the Senate. It is an honor and great privilege to place Judith DelFranco's name in nomination to serve as Assistant Secretary of the Senate. Judi has worked for the past 20 years to promote an effective and efficient office to serve Senate members and the public. She has led an automating area such as calendar preparation and chamber voting. Judi has also led in making the

Senate's work more accessible to the public through the internet and the web availability of Senate documents and information. She helped bring audio and video streaming of Senate sessions to the public and has also written and published numerous brochures to help educate the public about the history and work of the Senate. Judi's knowledge of the working of this Chamber is formidable. I do not know of anyone in the State House who works harder or is more devoted in her work to the people of Maine. No one is more devoted than Judi DelFranco. No matter what time you leave this building at night while we are in session and no matter how early you come in in the morning, Judi is always at her desk working and always ready to stop whatever she is doing to graciously answer any questions a legislator might have or to provide whatever assistance someone might need. If Joy O'Brien is the heart of the Senate, Judi DelFranco is the backbone. Judi DelFranco is a treasure and I sincerely hope you will join me in voting to elect her as the Assistant Secretary of the Senate. Thank you.

Nomination seconded by Senator **HOBBS** of York.

Senator **HOBBS**: Thank you, Madame President and men and women of the Senate. For over 20 years Judi DelFranco has been a dedicated, tireless, and indispensable member of the Senate staff. No matter what position she has held, Judi has acted professionally in dealing with the tedious tasks involved in making sure that the Senate office and Chamber run efficiently and to make sure, as they say, the trains run on time. She has an excellent working relationship with the Senate Secretary and all the members of the office. She's the consummate team player. Judi has kept up with the technological tools, and all the tools that some of us have fallen behind on and will learn as we go along, that are essential to the efficient operation of the Senate. More importantly, she has the patience and people skills that have contributed to making the office constituent and user friendly. Please join me in supporting Judi DelFranco for the position of Assistant Secretary of the Maine Senate. Thank you very much.

On motion by Senator **NASS** of York, nominations ceased.

On further motion by same Senator, one ballot was cast, on the part of the Senate, in favor of Joy J. O'Brien of Portland for the Office of Secretary of the Senate for the 123rd Legislature.

This being done, **JUDITH DELFRANCO** of Fairfield was duly elected Assistant Secretary of the Senate of the 123rd Legislature.

The Chair requested the Senator from Androscoggin, Senator **ROTUNDO**, and the Senator from York, Senator **HOBBS**, escort the Assistant Secretary-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify her to enter upon the discharge of the duties of the office of Assistant Secretary of the Senate. The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **ROTUNDO**, and the Senator from York, Senator **HOBBS**, escort the Assistant Secretary-elect **JUDITH DELFRANCO** of Fairfield to the Governor's Office.

Subsequently, the Senator from Androscoggin, Senator **ROTUNDO**, reported that they had attended to the duties with which they were charged and were pleased to report that **JUDITH**

DELFRANCO of Fairfield had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Assistant Secretary of the Senate of the 123rd Legislature.

The Following Communication: S.C. 2

STATE OF MAINE

Office of the Secretary of State

December 6, 2006

To the President of the Senate in the One Hundred and Twenty-third Legislature:

I, MATTHEW DUNLAP, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Senators at the General Election held on the seventh day of November in the year Two Thousand and Six;

REPORT AS FOLLOWS; that the following named persons having received a plurality of the votes cast, appear to have been elected:

District 1
BOWMAN, PETER B., Kittery 8,563
LEMONT, KENNETH F., Kittery 6,958

District 2
NASS, RICHARD A., Acton 7,933
WRIGHT, THOMAS J., Berwick 6,487

District 3
COURTNEY, JONATHAN T.E., Sanford 6,807
HANSLIP, JOSEPH ROBERT, Sanford 6,406

District 4
STAPLES, AMANDA J., Biddeford 5,831
SULLIVAN, NANCY B., Biddeford 8,725

District 5
HOBBINS, BARRY J., Saco 9,565
KEWISH, CHARITY A., Saco 5,828

District 6
BARTLETT, PHILIP L. II, Gorham 8,781
WILLETT, JANE S., Gorham 6,689

District 7
BROMLEY, LYNN, South Portland 9,727
GLYNN, KEVIN J., South Portland 6,553
LOUIS, KEITH M., South Portland 1,353

District 8
BABIN, DAVID J., Portland 2,433
PERCHINSKI, KELSEY, Portland 1,895
STRIMLING, ETHAN K., Portland 8,824

District 9
BRANNIGAN, JOSEPH C., Portland 10,103
FERNALD, DAVID R., Portland 4,731

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

The Senate considered the following:

ORDERS

Senate Order

On motion by Senator **MITCHELL** of Kennebec, the following Senate Order:

S.O. 9

ORDERED, that a message be sent to the House of Representatives, informing that Body that the Senate has organized by the choice of Beth G. Edmonds of Cumberland County as President; Joy J. O'Brien of Portland as Secretary of the Senate; and Judith DeFranco of Fairfield as Assistant Secretary of the 123rd Legislature and is ready to transact such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **MITCHELL** 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 Kennebec, Senator **MITCHELL** reported that she had delivered the message with which she was charged.

On motion by Senator **MARTIN** of Aroostook, the following Senate Order:

S.O. 2

ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 2007 and 2008 shall be referred for examination and report.

READ and PASSED.

COMMUNICATIONS

LEGISLATIVE RECORD - SENATE, WEDNESDAY, DECEMBER 6, 2006

| | | | |
|-------------------------------------|--------|--|--------|
| <u>District 10</u> | | <u>District 25</u> | |
| ARSENAULT, JOHN E., Freeport | 5,182 | DAVIS, THOMAS R., Winslow | 5,634 |
| EDMONDS, BETHEDA G., Freeport | 10,646 | MARRACHE, LISA T., Waterville | 7,578 |
| <u>District 11</u> | | <u>District 26</u> | |
| SIMPSON, JOHN P., Cumberland | 8,211 | HATCH, PAUL R., Skowhegan | 5,173 |
| TURNER, KARL W., Cumberland | 10,668 | MILLS, S. PETER, Cornville | 8,879 |
| <u>District 12</u> | | <u>District 27</u> | |
| DIAMOND, G. WILLIAM, Windham | 10,020 | JONES, SHARON H. LIBBY, Greenville | 6,824 |
| KELLY, LANI S., Windham | 5,531 | SMITH, DOUGLAS M., Dover-Foxcroft | 8,003 |
| <u>District 13</u> | | <u>District 28</u> | |
| FOLEY, NELSON, Oxford | 1,559 | DAMON, DENNIS S., Trenton | 11,486 |
| HASTINGS, DAVID R. III, Fryeburg | 7,687 | FREDETTE, KENNETH WADE, Lamoine | 6,415 |
| MEDD, MARJORIE M., Norway | 7,058 | | |
| <u>District 14</u> | | <u>District 29</u> | |
| BRYANT, BRUCE S., Dixfield | 10,182 | FINLAY, THOMAS H., East Machias | 3,226 |
| GREANEY, LEONARD P., Rumford | 5,898 | KADEY, DANA W., No. 21 Twp. | 1,858 |
| | | ODEN, NANCY, Jonesboro | 774 |
| | | RAYE, KEVIN L., Perry | 8,328 |
| <u>District 15</u> | | <u>District 30</u> | |
| DESGROSSEILLIERS, EDWARD H., Auburn | 7,340 | GIBBS, DEBORAH L., Alton | 2,032 |
| SNOWE-MELLO, LOIS A., Poland | 7,735 | JOYCE, PATRICK JOSEPH, Veazie | 3,781 |
| | | SCHNEIDER, ELIZABETH MONTGOMERY, Orono | 7,756 |
| <u>District 16</u> | | <u>District 31</u> | |
| POULIN, LARRY J., Lewiston | 3,565 | ROSEN, RICHARD W., Bucksport | 9,143 |
| ROTUNDO, MARGARET R., Lewiston | 8,443 | SPELLMAN, RUTH-MARIE, Brewer | 6,990 |
| <u>District 17</u> | | <u>District 32</u> | |
| GREENWOOD, RANDALL A., Wales | 6,555 | DESMARAIS, ERIC, Bangor | 296 |
| NUTTING, JOHN M., Leeds | 8,695 | FARRINGTON, FRANK J., Bangor | 5,692 |
| | | PERRY, JOSEPH C., Bangor | 7,049 |
| <u>District 18</u> | | <u>District 33</u> | |
| GOOLEY, WALTER R., Farmington | 9,811 | PLOWMAN, DEBRA D., Hampden | 9,222 |
| HOLDEN, RICHARD J., Wilton | 7,819 | POULIN, MARY E., Hampden | 6,347 |
| <u>District 19</u> | | <u>District 34</u> | |
| BENOIT, PAULA I., Phippsburg | 9,015 | BECKWITH, J. CHIPMAN, Fort Fairfield | 5,768 |
| MAYO, ARTHUR F. III, Bath | 8,413 | SHERMAN, ROGER L., Hodgdon | 6,878 |
| <u>District 20</u> | | <u>District 35</u> | |
| DOW, DANA L., Waldoboro | 10,795 | MARTIN, CATHY A., Caribou | 4,891 |
| KING, KATHLEEN B., South Bristol | 7,940 | MARTIN, JOHN L., Eagle Lake | 8,449 |
| <u>District 21</u> | | | |
| MCCORMICK, EARLE L., West Gardiner | 8,843 | | |
| RINES, BRIAN, Gardiner | 8,107 | | |
| <u>District 22</u> | | | |
| BARROWS, SCOTT, Rockland | 7,995 | | |
| SAVAGE, CHRISTINE R., Union | 8,845 | | |
| <u>District 23</u> | | | |
| CHASE, GAIL, Unity | 7,416 | | |
| WESTON, CAROL, Montville | 9,039 | | |
| <u>District 24</u> | | | |
| MITCHELL, ELIZABETH H., Vassalboro | 9,765 | | |
| NUTTING, ROBERT W., Oakland | 5,728 | | |

I, MATTHEW DUNLAP, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senators at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/MATTHEW DUNLAP
Secretary of State

READ and REFERRED to the Committee on **SENATORIAL VOTE**.

The Following Communication: S.C. 3

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

December 6, 2006

Honorable Betheda Edmonds
President of the Senate
3 State House Station
Augusta, ME 04333

Dear President Edmonds:

The following is a summary of the results of the November 7, 2006 Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: Citizen Initiative
Number of Votes in Favor 247,175
Number of Votes Opposed 288,971

Question 2: Constitutional Amendment
Number of Votes in Favor 270,922
Number of Votes Opposed 229,749

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 4

**STATE OF MAINE
DEPARTMENT OF LABOR
19 UNION STREET, P.O. BOX 259
AUGUSTA, MAINE
04332-0259**

September 7, 2006

The Honorable Beth Edmonds, President
Maine State Senate
3 State House Station
Augusta, ME 04333-0003

Dear Senator Edmonds:

In accordance with 5 MRSA 13070-J, we are pleased to submit the "agency report" for the Governor's Training Initiative (GTI). GTI has been instrumental in the creation and retention of high skill, quality employment for Maine residents since its inception in 1996.

In calendar year 2005, thirty-five companies received GTI reimbursement payments totaling \$10,000 or more. The attached report lists the amounts paid and the anticipated job growth and retention associated with those funds.

Statistics included in this report indicate the public benefit derived from GTI assistance, including actual private dollars leveraged via company match for direct training related activity. A short selection of company comments has been provided representative of responses received regarding company and public benefit.

GTI ensures that the needs of small firms are addressed via the scoring process, and requires applicants to identify the public benefit resulting from proposed training projects. GTI continues to be a primary vehicle for achieving sustainable long-term economic growth for Maine.

Sincerely,

S/Laura A. Fortman
Commissioner

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 5

**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, ME 04333**

Date: September 30, 2006

To: Honorable John Elias Baldacci, Governor
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
Honorable Margaret Rotundo, Senate Chair
Honorable Joseph C. Brannigan, House Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

From: S/Ryan Low, State Budget Officer

Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 06-07 biennium and the FY 08-09 biennium in accordance with Title 5 § 1665.

The Bureau of the Budget is pleased to present its budget forecast for the General Fund and the Highway Fund for the FY 06-07 biennium and the FY 08-09 biennium in accordance with Title 5 § 1665. This effort was initiated and passed into law by the 117th Legislature as fulfillment of one of the recommendations of the Special Commission on Governmental Restructuring to provide a platform for long term financial planning.

This budget forecast is based on the current structure of state revenues and expenditures for both the General Fund and the Highway Fund as required by Title 5 § 1665, subsection 7. This budget forecast should provide the most consistent view of revenue and expenditure trends over the long term as a basis for financial planning and decision making.

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

The Following Communication: S.C. 6

**STATE OF MAINE
MAINE REVENUE SERVICES
24 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0024**

October 1, 2006

Senate President Edmonds
Speaker of the House Richardson
Members of the 122nd Maine Legislature

Pursuant to 5 MRSA Section 13070-J, the State Tax Assessor is required to submit a report to the legislature identifying the amount of revenues foregone as the result of the Jobs and Investment Tax Credit (JITC), the Research Expense Tax Credit (R&D), the Seed Capital Investment Tax Credit, the Shipbuilding Facility Credit, and public funds spent on the Business Property Tax Reimbursement Program (BETR). Attached are four reports providing you with this information.

The first table lists corporations that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2004, as well as the value of the credits. Table II provides information on individual filers that reduced their Maine income tax liability with the JITC, the R&D credit, and/or Seed Capital credit by Maine adjusted gross income in tax year 2004. Tax year 2004 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits.

The third attachment explains the Shipbuilding Facility credit. As required by statute the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of employment has been such that the annual cost to the state treasury has exceeded the base credit amount of \$3 million per year.

The fourth attachment is a list of BETR recipients by municipality. For purposes of this report, businesses that filed for reimbursement during calendar year 2005 are listed. BETR recipients filed between August 1, 2005 and December 31, 2005 for eligible property taxes paid during calendar year 2004. For that period the state reimbursed \$67.3 million to 1,729 companies.

If you have any questions on this report please do not hesitate to contact me.

Sincerely,

S/Jerome D. Gerard

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

The Following Communication: S.C. 7

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035**

November 30, 2006

The Honorable Beth G. Edmonds
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

Re: Annual Report on Charitable Fundraising Activity

Dear President Edmonds:

Pursuant to the Charitable Solicitations Act, 9 MRSA, §5010, enclosed please find the Annual Report on the 2005 fundraising activity of charitable organizations registered in the State of Maine. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

S/Anne L. Head
Acting Commissioner

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

Senate at Ease.

Senate called to order by the President.

ORDERS

Senate Orders

On motion by Senator MITCHELL of Kennebec, the following Senate Order:

S.O. 3

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State for the political years 2007 and 2008, a State Treasurer for the political years 2007 and 2008, an Attorney General for the political years 2007 and 2008 at 2:00 in the afternoon.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **MITCHELL** 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 Kennebec, Senator **MITCHELL** reported that she had delivered the message with which she was charged.

On motion by Senator **MARTIN** of Aroostook, the following Senate Order:

S.O. 4

ORDERED, that the Rules of Senate of the 122nd Legislature shall be the Rules of the Senate of the 123rd Legislature. Amendments to the Senate Rules may be adopted by a majority vote on or before the third Friday in January of 2007.

READ and PASSED.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

On motion by Senator **MITCHELL** of Kennebec, the following Senate Order:

S.O. 5

ORDERED, that the Secretary of the Senate be authorized to invite the clergy to officiate as Chaplains of the Senate as requested by any member of the Senate; and be it further

ORDERED, that all clergy acting as Chaplains of the Senate shall receive \$30 for each officiation. The same is to be approved by the Secretary of the Senate.

READ and PASSED.

On motion by Senator **MARTIN** of Aroostook, the following Senate Order:

S.O. 6

ORDERED, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of the Committee.

READ and PASSED.

On motion by Senator **MITCHELL** of Kennebec, the following Senate Order:

S.O. 7

ORDERED, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of the Committee.

READ and PASSED.

On motion by Senator **MARTIN** of Aroostook, the following Senate Order:

S.O. 8

ORDERED, the House concurring, that the President of the Senate is authorized, at his or her discretion, to permit radio or sound television film or live television, or any two or three of these communication media, on the floor of the Senate.

READ.

Senator **WESTON** of Waldo questioned the presence of a quorum.

The Chair declared a quorum present.

On motion by Senator **MARTIN** of Aroostook, **PASSED.**

Joint Orders

On motion by Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 1

ORDERED, the House concurring, that the Joint Rules of the 122nd Maine Legislature shall be the Joint Rules of the 123rd Maine Legislature. Joint Rules may be amended by a majority vote, in each chamber, on or before the third Friday in January, 2007.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 2

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, January 3, 2007, at 4:00 in the afternoon.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 3

ORDERED, the House concurring, that there be paid to the members of the Senate and the House of Representatives as advances on account of compensation established by statute, 12 payments on a biweekly basis commencing January 3, 2007, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 4

ORDERED, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to prepare weekly, from expense accounts to be submitted to him by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

ORDERED, that the Executive Director of the Legislative Council be authorized and directed to provide the forms necessary for such purpose and provide suitable space in his office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 5

ORDERED, the House concurring, that telephone service may be provided for each member of the Senate and House, and each Representative from the Indian Tribes at the Legislature, for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House of Representatives and Representatives from the Indian Tribes, to points within the limits of the State of Maine. The privilege granted to be a personal privilege not to be exercised by other than the members of the Senate and House, and each Representative from the Indian Tribes at the Legislature. Members may be provided with a prepaid phone card under the direction of the Secretary of the Senate and Clerk of the House, respectively; and be it further

ORDERED, that the President of the Senate or Speaker of the House, may upon a finding of abuse of the privilege of telephone service by a member of the Senate or a member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that member.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 6

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 7

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House respectively, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and House, respectively.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MARTIN** of Aroostook, the following Joint Order:

S.P. 8

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 123rd Legislature be printed, one copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and the Clerk of the House. The remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and the Clerk of the House.

READ and PASSED.

Sent down for concurrence.

On motion by Senator **MITCHELL** of Kennebec, the following Joint Order:

S.P. 9

ORDERED, the House concurring, that the rooms in the State House and State Office Building occupied by the Legislature be reserved for hearing rooms for the One Hundred and Twenty-third and succeeding Legislatures and be released for other purposes only upon approval by the Chair of the Legislative Council.

READ and PASSED.

Sent down for concurrence.

Off Record Remarks

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

At this point a message was received from the House of Representatives, borne by Representative PINGREE of North Haven 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 2:00 in the afternoon for the purpose of electing a Secretary of State for the political years 2006 and 2007, a State Treasurer for the political years 2006 and 2007, and an Attorney General for the political years 2006 and 2007.

At this point, a message was received from the House of Representatives borne by Representative FAIRCLOTH of Bangor, informing the Senate that the House had organized by the choice of GLENN CUMMINGS of Portland, as Speaker of the House, MILLICENT MACFARLAND, of Augusta, as Clerk of the House, and MICHAEL J. COTE, of Windsor, as Assistant Clerk of the House of the 123rd Legislature and was ready to transact such business as might come before the House.

On motion by Senator **MITCHELL** of Kennebec, **RECESSED** until 1:50 in the afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

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. 2

ORDERED, the Senate concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Clerk of the House, receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills; and be it further

ORDERED, that any tax supported public library may upon written request to the Clerk of the House receive without charge copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills.

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. 3

ORDERED, the Senate concurring, that there be prepared by the Legislative Information Office, under the direction of the Secretary of the Senate and the Clerk of the House, after adjournment of the present session, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed sufficient copies to meet the needs of the Legislature. A copy shall be mailed to each member and officer of the Legislature and the State Law and Legislative Reference Library.

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. 1

ORDERED, the Senate concurring, that the Speaker of the House is authorized, at his discretion, to permit radio or television in the Hall of the House of Representatives during joint conventions of the Legislature.

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

READ and **PASSED**, in concurrence.

Off Record Remarks

Senator **NUTTING** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Wednesday, January 3, 2007, at 4:00 in the afternoon.