

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

In Senate Chamber
Thursday
January 4, 2007

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

Prayer by Pastor Thomas Chittick, Trinity Lutheran Church in
Westbrook.

PASTOR CHITTICK: A psalm. 'My soul magnifies the Lord and
my spirit rejoices in God, my Savoir, for He has regarded the
lowest state of his handmaiden.'

Centuries ago a teenage girl wrote this psalm in excitement
at the birth of her son. Many centuries later, 15 exactly, before
Germany was the united nation that it is today, a Prince coming
into power asked a provocative public thinker and social critic
what advise he had for him as he was to ascent that new throne
and that writer wrote back a copy of this psalm and said, 'If you
want to be a wise Prince you will listen to this psalm.' 'For behold
from henceforth all generations will call me Blessed, for He who
was mighty has done great things for me and Holy is His name
and His mercy is on those who fear him. He has shown strength
with his arm. He has scattered the proud in the imagination of
their hearts. He has put down the mighty from their throne and
exalted those of low degree. He has filled the hungry with good
things and the rich He has sent away empty.' The psalm is called
The Magnificat and the writer was Mary. The social thinker was
Martin Luther.

We no longer live in a monarchy, we live in a republic and
you represent the people; but the sentiments of the psalm are
worthy of your attention because the psalm and all it represents
form one of the two taproots of western culture and civilization,
the one Greek and the other Hebrew. This psalm invites you who
lead not only to pay attention to the oiling of the machinery of the
state and listening to the voice of those who contend for your
attention but to polish the ability to listen to the voices of the
silent. So as a citizen, I thank you for this year's work and all that
you do for us. As a minister, I invite you to read Mary's Magnificat
as an indicator of leadership that you might follow. As the
chaplain for this morning, I pray for you, that you execute your
office with a sense of justice and joy. For the kingdom, the
power, and the glory belong to God. Amen.

Reading of the Journal of Wednesday, January 3, 2007.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator MITCHELL of Kennebec, the following Joint Order:
S.P. 25

ORDERED, the House concurring, that when the House and
Senate adjourn, they do so until Tuesday, January 9, 2007, at
10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Papers

Resolve, To Decrease Landfill Costs and Protect the Environment
through a Beverage Container Reuse Program
H.P. 32 L.D. 30

Comes from the House, **REFERRED** to the Committee on
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT
and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND
ECONOMIC DEVELOPMENT** and ordered printed, in
concurrence.

Bill "An Act To Establish a Statewide Residency Requirement for
General Assistance"
H.P. 30 L.D. 28

Bill "An Act To Amend the Laws Governing Welfare"
H.P. 31 L.D. 29

Come from the House, **REFERRED** to the Committee on
HEALTH AND HUMAN SERVICES and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN
SERVICES** and ordered printed, in concurrence.

Bill "An Act To Clarify Election Laws Concerning Election Clerks'
Qualifications" (EMERGENCY)
H.P. 29 L.D. 27

Comes from the House, **REFERRED** to the Committee on
LEGAL AND VETERANS AFFAIRS and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS
AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Create a Regional Jail System"
H.P. 34 L.D. 32

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

Bill "An Act To Fund Transportation Projects"
H.P. 28 L.D. 26

Bill "An Act To Fund Alcohol and Tobacco Addiction Treatment Programs"
H.P. 33 L.D. 31

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 19

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 28, 2006

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.6, I have made the following appointments to the Committee on Conduct and Ethics:

Senator Barry J. Hobbins of York, Chair
Senator Margaret R. Rotundo of Androscoggin
Senator Peter B. Bowman of York
Senator Christine R. Savage of Knox
Senator David R. Hastings, III of Oxford

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 20

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 28, 2006

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.5, I have made the following appointments to the Committee on Engrossed Bills:

Senator John L. Martin of Aroostook, Chair
Senator Bill Diamond of Cumberland
Senator Christine Savage of Knox
Senator Peter Mills of Somerset
If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 21

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 28, 2006

The Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Rule 201.5, I have made the following appointments to the Committee on Bills in the Second Reading:

Senator Ethan Strimling of Cumberland, Chair
Senator Elizabeth M. Schneider of Penobscot
Senator Kevin L. Raye of Washington
David R. Hastings III of Oxford

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 22

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 28, 2006

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Senate Order 2, I have made the following appointments to the Committee on Senatorial Vote:

Senator Philip L. Bartlett II of Cumberland, Chair
Senator Bruce S. Bryant of Oxford
Senator Nancy B. Sullivan of York
Senator Elizabeth H. Mitchell of Kennebec
Senator Carol Weston of Waldo
Senator Richard W. Rosen of Penobscot
Senator Karl W. Turner of Cumberland

If you have any questions, please do not hesitate to contact me.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 23

**123RD LEGISLATURE
OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

December 28, 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 Joint Rule 371, I am pleased to appoint the following people to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability:

Senator Elizabeth Mitchell of Kennebec, Chair
Senator Joseph Perry of Penobscot
Senator Phillip L. Bartlett, II of Cumberland
Senator Kevin Raye of Washington
Senator Dana Dow of Lincoln

If you have any questions regarding these appointments, please contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Simplify Wireless Telecommunications"
S.P. 24 L.D. 33

Sponsored by Senator ROSEN of Hancock.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Today Assigned matter:

JOINT RESOLUTION - memorializing David Redmond, of Portland, longtime educator, sports coach, United States Army veteran and public servant.

SLS 8

Tabled - January 3, 2007, by Senator **HOBBINS** of York

Pending - motion by same Senator to **ADOPT**

(In Senate January 3, 2007, on motion by Senator Hobbins of York, **READ**)

At the request of Senator **HOBBS** of York, Joint Resolution **READ**.

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

Senator **HOBBS**: Thank you, Madame President and men and women of the Senate. I rise today in honor and respect for David Redmond who passed away at his home on November 25, 2006 surrounded by his family after a long and courageous battle with cancer. He was born in Portland in 1932 and was the third son of John Redmond and Mary Flaherty Redmond. He attended St. Dominic's Catholic Grammar School and graduated from Portland High School in 1951. He attended Portland Junior College, graduated in Aroostook County at the former Ricker College in 1958, and received his Masters Degree from the University of Southern Maine in 1968.

As the resolution stated, he was a long and beloved football coach and he coached many sports throughout the years. He taught and coached at St. Louis High School in Biddeford, but he is best known for his many wins in his years at Biddeford High School. When he took over the Biddeford High School program, unfortunately for those who lived across the river, like myself, in Saco and attended Thornton Academy, he led Biddeford to two consecutive State Championships in 1965 and 1966 and was selected Maine Coach of the Year in 1966. As President of the Class A Football Conference he established the first ever Maine Super Bowl. The football conference he established was the first ever established and in the first game of that particular Super Bowl the Bangor High School team was the victims of a 20 - 0 victory by the Biddeford High School team. He ended his football career with 25 consecutive wins.

He also had another life and that was that he went from the competitiveness of football to the competitiveness of the political arena. He was a skillful administrator and spent many years as the Chief of Staff of his lifelong friend Joe Brennan and served on the Executive Council. I was fortunate to have voted for him. He won by one vote and he always said he won by a landslide. He was always very appreciative that he knew who voted for him because he had a long political memory. He was a skillful administrator and was a very popular individual politically. He subsequently ran for Governor in 1986 and lost the Democratic Primary. He later served as the Chief of Staff for Congressman Joe Brennan in Washington when Governor Brennan served as a member of Congress.

Always the athlete, David continued to be a competitor, even into his 60's, winning several medals in the Senior Olympics. One honor that David was especially proud of was the dedication in 1997 of two youth league football fields in the city of Biddeford. To tell you a sidebar story, unfortunately the sign maker that was asked to make the sign for the Dave Redmond Field, his first draft of the sign was The Dave Redmond Memorial Field. He was reminded that Dave Redmond was well and alive. It was somewhat of a joke for many years.

He is survived for Joan Mitchell Redmond of Bonita Springs, Florida; his six children, Maureen, Michael, Kathleen, Colleen, Richie, and Arleen; five grandchildren; two great-grandchildren; and three brothers, John of Portland, Richard of Sidney, and Tom of Glendale, California; and many nephews and nieces. In fact

some of them are familiar with all of us here. At the funeral that over 1,000 individuals attended to pay their respects at the Cathedral of the Immaculate Conception in Portland two prominent dignitaries and friend provided eloquent eulogies in honor of Dave. The first was done by his childhood friend and former Governor Brennan. The second eulogy was eloquently prepared and delivered by our Governor Baldacci. Governor Baldacci shared this Irish prayer with those who were there in honor of Dave and I'd like to share this Irish prayer with you. This is a quote from the Governor; 'There are wood ships, there are good ships, ships that sail the sea, but the best ships are friendships. May they always be.'

David will be sadly missed by all of us who have known him and this resolution is in his honor and I wish him peace. Thank you.

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

Senator **SULLIVAN**: Thank you, Madame President. On behalf of Biddeford, we indeed did lose a true friend. Biddeford has been hit in 2006 with the loss of many people that have become institutions. Dave Redmond was just one. As you know, there was also Coach Landry. We lost a Kennebunk clerk. I need to tell you that Dave Redmond's legacy goes on through my constituent, his son, Michael who is also involved in sports and Biddeford education. He was a colleague of mine when I was teaching across the river in Biddeford. I well remember, as does the good Senator from York, Senator Hobbins, being the victim of Biddeford several times because, while I know this will be hard to believe, I'm a couple of years older than the Senator from York, Senator Hobbins. Dave Redmond's football team always seemed to do a good job on our football team. By a good job I mean that Thornton Academy always ended on the low side of the score. His legacy to the children of Biddeford as they became young adults is well known and he continues on through his son. He will be missed very much.

On motion by Senator **HOBBS** of York, **ADOPTED**.

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Barbie Redmond and Rick Redmond, David's niece and nephew. Would they please rise and receive the greetings of the Maine Senate.

Off Record Remarks

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

House Paper

Bill "An Act To Require Approval by the Gambling Control Board for the Transfer of Ownership of an Off-track Betting Facility"
H.P. 36 L.D. 35

Comes from the House, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission"
H.P. 37 L.D. 36

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 28: Closing a School in the Unorganized Territory, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 35 L.D. 34

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

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

On motion by Senator **BOWMAN** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Change the Maine Land Use Regulation Commission's Lot Size, Coverage and Setback Requirements for Some Affordable Housing Lots on Coastal Islands"
H.P. 27 L.D. 25

Committee on **NATURAL RESOURCES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 9, 2007, at 10:00 in the morning, in memory of and lasting tribute to David Redmond of Portland (formerly of Biddeford).