

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
Tuesday
January 23, 2007

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

Prayer by Reverend Carl Geores, Presbyterian Mission at the
Eastward in Monmouth.

REVEREND GEORES: Just a word of introduction. Before I
retired I spent 46 years in rural ministry in Leeds, in Wales, and in
Hartford. I remember when a Subaru first appeared in Hartford,
Maine. What a shock. Those were the days when General
Motors and Ford and Chrysler were right at the top of the line. I
went to this family and they were looking for a cheap car. They got
it down in Auburn. They purchased a Subaru. I looked at it and I
said, 'What junk.' I couldn't have been more wrong. Little did I
know the revolution that was going to sweep this country.

This past Christmas my daughter, Martha, who teaches at
the University of Maryland, decided she'd give me the book that
they give to all their freshmen. It is Thomas Friedman's book The
World is Flat. What a shock. He guides us through how the
world is gone through this whole free market revolution that swept
out country in the past decades. He describes how the internet
and all that goes with it, the .com revolution, the websites, and the
entrepreneurships have leveled the playing field in economic
development all over the world.

The United States no longer has a corner on scientific
knowledge that guarantees a bright future for coming generations
that will follow us. In fact the United States may be falling behind.
India, China, Japan, South Korea, Russia, and others are being
driven by young people who are studying harder than they ever
studied and are leading millions of their fellow students to want to
have a decent standard of living all their lives. Change is the
order of the day. China and India graduate more engineers than
we do. Toyota is now the number one in car sales than anyone
else in the United States.

So as I think of the opportunity to be with you in this
wonderful institution today, I thought of our children, our
grandchildren, and how are they going to have good paying jobs
in the future, especially if we become dependent on others. The
new free world economy has produced many displaced workers
who will need to be retooled. For every person in the world who
enjoys the fruits of this new system there are many who are left
behind. Maine has its share.

My Dad was a carpenter. Way back in the 1930's I can
remember him talking to me and saying, 'What will we do with the
people in the future as things change and go on?' That day may
not be far off when we ask that question. What are we going to
do with people who are left behind? Who's going to help them?
Let us pray.

Oh God, who knows each one of us better than we know
ourselves, give each Senator the wisdom that each will need as
they wrestle with the many thorny issues that are before them

today. Help those who have been elected to this office to build
strong relationships with one another that will help them to trust
one another so that they can work together to build a better future
for the people of Maine. Amen.

Pledge of Allegiance led by Senator Lois A. Snowe-Mello of
Androscoggin County.

Reading of the Journal of Tuesday, January 16, 2007.

Doctor of the day, John VanPelt, MD, Retired, of Ellsworth.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 32

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule
505 of the 123rd Maine Legislature, the Joint Standing Committee
on Utilities and Energy has had under consideration the
nomination of Honorable Vendean V. Vafiades of Hallowell, for
appointment to the Public Utilities Commission.

After public hearing and discussion on this nomination, the
Committee proceeded to vote on the motion to recommend to the
Senate that this nomination be confirmed. The Committee Clerk
called the roll with the following result:

YEAS	Senators	3	Bartlett of Cumberland, Hobbins of York, Smith of Piscataquis
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Representatives 10 Bliss of South Portland,
Adams of Portland, Berry of
Bowdoinham, Blanchard of
Old Town, Curtis of Madison,
Fitts of Pittsfield, Fletcher of
Winslow, Hinck of Portland,
Rines of Wiscasset,
Thibodeau of Winterport

NAYS 0

ABSENT 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Vendean V. Vafiades of Hallowell, for appointment to the Public Utilities Commission be confirmed.

Signed,

S/Philip L. Bartlett II
Senate Chair

S/Lawrence Bliss
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **MITCHELL** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 33

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of John H. O'Neil of Kennebunk, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 2 Hobbins of York, Hastings of Oxford

Representatives 9 Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Holman of Fayette, Mills of Farmington, Nass of Acton

NAYS 0

ABSENT 2 Nutting of Androscoggin,
Rep. Jacobsen of Waterboro

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John H. O'Neil of Kennebunk, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **MITCHELL** of Kennebec, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION.**

The Following Communication: S.C. 34

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Andrew M. Horton of Falmouth, for appointment as a Superior Court Justice.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	9	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Holman of Fayette, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		1	Rep. Jacobsen of Waterboro

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Andrew M. Horton of Falmouth, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **HOBBS** of York, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 35

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Michael P. Cantara of Biddeford, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	9	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Holman of Fayette, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		1	Rep. Jacobsen of Waterboro

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael P. Cantara of Biddeford, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **HOBBS** of York, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 36

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Charles A. Dow of Winthrop, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hobbins of York, Nutting of Androscoggin
	Representatives	7	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Mills of Farmington
NAYS	Senators	1	Hastings of Oxford
	Representatives	2	Holman of Fayette, Nass of Acton
ABSENT		1	Rep. Jacobsen of Waterboro

Nine members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Charles A. Dow of Winthrop, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **HOBBINS** of York, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 37

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Valerie Stanfill of Turner, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	9	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Holman of Fayette, Mills of Farmington, Nass of Acton
NAYS		0	
ABSENT		1	Rep. Jacobsen of Waterboro

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Valerie Stanfill of Turner, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **HOBBINS** of York, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 38

**STATE OF MAINE
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE
COMMITTEE ON JUDICIARY**

January 16, 2007

The Honorable Beth Edmonds
President of the Senate of Maine
123rd Maine Legislature
State House
Augusta, Maine 04333-0003

Dear Madame President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 123rd Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of MaryGay Kennedy of Brunswick, for appointment as a District Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Hobbins of York, Hastings of Oxford, Nutting of Androscoggin
	Representatives	9	Simpson of Auburn, Berube of Lisbon, Bryant of Windham, Casavant of Biddeford, Dill of Cape Elizabeth, Dunn of Bangor, Holman of Fayette, Mills of Farmington, Nass of Acton

NAYS 0

ABSENT 1 Rep. Jacobsen of Waterboro

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of MaryGay Kennedy of Brunswick, for appointment as a District Court Judge be confirmed.

Signed,

S/Barry J. Hobbins
Senate Chair

S/Deborah Simpson
House Chair

READ and ORDERED PLACED ON FILE.

On motion by Senator **HOBBINS** of York, Nomination **TABLED** until Later in Today's Session, pending **CONSIDERATION**.

The Following Communication: S.C. 30

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

January 16, 2007

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 Order 12, I have made the following appointments to the Senate Committee on Senate Rules:

Senator John L. Martin of Aroostook, Chair
Senator Elizabeth H. Mitchell of Kennebec
Senator Philip L. Bartlett II of Cumberland
Senator Carol Weston of Waldo
Senator Richard W. Rosen of Penobscot

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. 39

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

January 17, 2007

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 521, §20065, 3-A, I am pleased to reappoint Senator John L. Martin to serve on the Substance Abuse Services *Commission*, representing a member of the Senate.

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. 40

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

January 17, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under P.L. 2003, Chapter 696, I am pleased to reappoint Senator Christine Savage of Knox to the Intergovernmental Advisory Commission, representing a member of the Senate.

Please let me know 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. 41

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

January 17, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Public Law 2005, Chapter 614, I am pleased to appoint the following Senators to the Maine Food Policy Council:

Senator John M. Nutting of Androscoggin, representing a Senate member from the Joint Standing Committee on Agriculture, Conservation and Forestry, reappointment

Senator Dana L. Dow of Lincoln, representing a Senate member from the Joint Standing Committee on Marine Resources

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 42

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

January 17, 2007

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 20-A MRSA, § 11002, I am pleased to reappoint Senator Elizabeth Mitchell of Kennebec to the New England Board of Higher Education, representing a member of the Senate.

Please let me know 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. 43

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

January 17, 2007

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

Dear Secretary O'Brien,

Pursuant to my authority under Public Laws 2003, Chapter 699 (LD 1815), I am pleased to reappoint the following Senators to the Citizen Trade Policy Commission:

Senator Peggy Rotundo of Androscoggin County
Senator Bruce Bryant of Oxford County
Senator Kevin Raye of Washington County

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 44

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

January 17, 2007

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, §3358, I am pleased to reappoint Senator William Diamond to the Maine Criminal Justice Commission, representing a member of the Senate.

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. 45

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

January 17, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Maine Public Law 2005, Chapter 677, Part D, I am pleased to reappoint the following Senators to the Maine Energy Council:

Senator Phillip L. Bartlett II of Cumberland
Senator Richard W. Rosen of Penobscot

If you have any questions regarding these appointments, please do not hesitate to contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 46

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

January 17, 2007

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 3, §227, I am pleased to reappoint the following Senators to the Maine Canadian Legislative Advisory Committee:

Senator John Martin of Aroostook
Senator Bruce Bryant of Oxford
Senator Nancy Sullivan of York

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 47

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

January 17, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under 22 MRSA, §3739, I am pleased to reappoint Senator Nancy Sullivan of York to the Child Care Advisory Council, as a member of the Senate.

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. 48

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

January 17, 2007

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

Dear Secretary O'Brien:

Pursuant to my authority under Maine Public Law 2005, Chapter 631, I am pleased to reappoint Senator Barry Hobbins of York to the Right to Know Advisory Committee, representing a Senate member of the Judiciary Committee.

If you have any questions regarding this appointment, please do not hesitate to contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 31

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
AUGUSTA, ME 04333

January 16, 2007

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

The Honorable Glenn Cummings
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which often address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at www.maine.gov/financialinstitutions.

Very truly yours,

S/Lloyd P. LaFountain III
Superintendent

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Provide Additional Funding for the Office of Substance Abuse"

S.P. 81 L.D. 244

Sponsored by Senator ROSEN of Hancock.
Cosponsored by Representative CROSTHWAITE of Ellsworth and Senator: DAMON of Hancock, Representatives: ROSEN of Bucksport, KOFFMAN of Bar Harbor, EATON of Sullivan, PINGREE of North Haven, WEDDELL of Frankfort, SCHATZ of Blue Hill.

Bill "An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation"

S.P. 84 L.D. 247

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative FLETCHER of Winslow and Senators: HOBBS of York, BARTLETT of Cumberland, SMITH of Piscataquis, Representatives: BLISS of South Portland, ADAMS of Portland, HINCK of Portland.

Resolve, Honoring Women Veterans of Maine (EMERGENCY)

S.P. 85 L.D. 248

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative CANAVAN of Waterville and Senators: MARRACHÉ of Kennebec, SAVAGE of Knox, PLOWMAN of Penobscot, SCHNEIDER of Penobscot, Representatives: PINGREE of North Haven, TREAT of Farmingdale, NASS of Acton.

Bill "An Act To Restore Funding for the Reading Recovery Program"

S.P. 96 L.D. 314

Sponsored by Senator MILLS of Somerset.
Cosponsored by Representative SAVIELLO of Wilton.

Bill "An Act Authorizing a General Fund Bond Issue To Improve the Quality and Safety of Science and Teaching Laboratories, General Classrooms and Libraries at Maine's Public Universities"

S.P. 97 L.D. 315

Sponsored by Senator SCHNEIDER of Penobscot.
Cosponsored by Representative CAIN of Orono and Senators: TURNER of Cumberland, DAMON of Hancock, MITCHELL of Kennebec, MARTIN of Aroostook, COURTNEY of York, Representatives: VALENTINO of Saco, FISCHER of Presque Isle, MILLS of Farmington.

Bill "An Act To Provide Funds for the Coordination and Promotion of the 400th Anniversary of the Popham Colony"

S.P. 100 L.D. 318

Sponsored by Senator BENOIT of Sagadahoc.
Cosponsored by Representative PERCY of Phippsburg.

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 Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine"

S.P. 83 L.D. 246

Sponsored by Senator HASTINGS of Oxford.
Cosponsored by Representative CROSTHWAITE of Ellsworth, Representative CEBRA of Naples and Senators: NASS of York, SAVAGE of Knox, PLOWMAN of Penobscot, BOWMAN of York,

COURTNEY of York, Representatives: SYKES of Harrison, TARDY of Newport, HAMPER of Oxford.

Bill "An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime"

S.P. 95 L.D. 280

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative HANLEY of Gardiner, Representative SYKES of Harrison and Senators: SHERMAN of Aroostook, McCORMICK of Kennebec, Representatives: BRYANT of Windham, GERZOFKY of Brunswick, MAREAN of Hollis, PLUMMER of Windham, HASKELL of Portland, ROBINSON of Raymond.

Bill "An Act To Reduce Bomb Threats at Public Institutions and Businesses"

S.P. 98 L.D. 316

Sponsored by Senator DOW of Lincoln.
Cosponsored by Representative WEAVER of York and Senators: SNOWE-MELLO of Androscoggin, SHERMAN of Aroostook, SAVAGE of Knox, Representatives: RICHARDSON of Warren, PINGREE of North Haven.

Resolve, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes (EMERGENCY)

S.P. 105 L.D. 322

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representative PLUMMER of Windham and Senators: SHERMAN of Aroostook, McCORMICK of Kennebec, Representatives: GERZOFKY of Brunswick, HANLEY of Gardiner, KAENRATH of South Portland, HILL of York.

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

Sent down for concurrence.

Bill "An Act To Increase the Availability of Public Education Services from Child Development Services"

S.P. 99 L.D. 317

Sponsored by Senator DOW of Lincoln.
Cosponsored by Representative WEAVER of York and Senators: SNOWE-MELLO of Androscoggin, SAVAGE of Knox, Representatives: RICHARDSON of Warren, PINGREE of North Haven.

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

Sent down for concurrence.

Bill "An Act To Change Snowmobile Registration Requirements"
S.P. 87 L.D. 250

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative JACKSON of Allagash and
Senator: DAMON of Hancock, Representatives: BRYANT of
Windham, WHEELER of Kittery, RICHARDSON of Carmel,
PATRICK of Rumford.
Submitted by the Department of Inland Fisheries and Wildlife
pursuant to Joint Rule 204.

Bill "An Act To Authorize the Bureau of Warden Service to
Provide Assistance to Other Entities"
S.P. 88 L.D. 251

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative JACKSON of Allagash and
Senators: HOBBS of York, DAMON of Hancock,
Representatives: BRYANT of Windham, WHEELER of Kittery,
RICHARDSON of Carmel, PATRICK of Rumford.
Submitted by the Department of Inland Fisheries and Wildlife
pursuant to Joint Rule 204.

Bill "An Act To Establish Emergency Response to Illegal
Introductions of Invasive Fish Species"
S.P. 89 L.D. 252

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative BRYANT of Windham and
Senators: HOBBS of York, DAMON of Hancock,
Representatives: JACKSON of Allagash, WHEELER of Kittery,
RICHARDSON of Carmel, PATRICK of Rumford.
Submitted by the Department of Inland Fisheries and Wildlife
pursuant to Joint Rule 204.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the
Committee on **INLAND FISHERIES AND WILDLIFE** and ordered
printed.

Sent down for concurrence.

Resolve, To Assess the Feasibility and Efficiency of Combining
All Health Insurance Funds Supported by the State
S.P. 93 L.D. 278

Sponsored by Senator BRANNIGAN of Cumberland.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committees on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Improve the Responsiveness of Guardians Ad
Litem"

S.P. 94 L.D. 279

Sponsored by Senator NASS of York.

On motion by Senator **HOBBS** of York, **REFERRED** to the
Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish May as Missing Persons Month"
(EMERGENCY)

S.P. 86 L.D. 249

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Senator: HOBBS of York.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT** and
ordered printed.

Sent down for concurrence.

Bill "An Act To Require Mapping of Conservation Easements,
Purchases and Gifts"

S.P. 92 L.D. 277

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative PIOTTI of Unity and Senators:
SHERMAN of Aroostook, GOOLEY of Franklin, NUTTING of
Androscoggin, Representatives: EDGECOMB of Caribou, FLOOD
of Winthrop, MAREAN of Hollis, LUNDEEN of Mars Hill.

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

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until
Later in Today's Session, pending **REFERENCE**.

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require the Legislature To Freeze the Valuation of
Maine Primary Residence Land

S.P. 91 L.D. 276

Sponsored by Senator PERRY of Penobscot. (GOVERNOR'S
BILL)
Cosponsored by Representative PIOTTI of Unity and Senator:
COURTNEY of York, Representatives: PERCY of Phippsburg,
WOODBURY of Yarmouth, CROCKETT of Augusta.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED**
to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Pertaining to the Licensing of Motor Vehicle Dealerships"

S.P. 82 L.D. 245

Sponsored by Senator NASS of York.

Bill "An Act To Allow the Widening of a Portion of the Maine Turnpike"

S.P. 103 L.D. 320

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative HOGAN of Old Orchard Beach and Senators: ROSEN of Hancock, DIAMOND of Cumberland, SAVAGE of Knox, Representatives: CROSTHWAITE of Ellsworth, FISHER of Brewer, MAZUREK of Rockland, TARDY of Newport.

Submitted by the Maine Turnpike Authority pursuant to Joint Rule 204.

Bill "An Act To Increase the Bonding Capacity of the Maine Turnpike Authority"

S.P. 104 L.D. 321

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative MARLEY of Portland and Senators: DIAMOND of Cumberland, SAVAGE of Knox, Representatives: FISHER of Brewer, MAZUREK of Rockland, HOGAN of Old Orchard Beach, TARDY of Newport. Submitted by the Maine Turnpike Authority pursuant to Joint Rule 204.

Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg (EMERGENCY)

S.P. 106 L.D. 328

Sponsored by Senator DIAMOND of Cumberland.

Cosponsored by Representative MOORE of Standish and Senators: TURNER of Cumberland, HASTINGS of Oxford, Representatives: MARLEY of Portland, BRYANT of Windham, CRESSEY of Cornish, MUSE of Fryeburg, DRISCOLL of Westbrook, BARSTOW of Gorham, MAREAN of Hollis, PLUMMER of Windham, PEOPLES of Westbrook, ROBINSON of Raymond.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

**Pursuant to Joint Order
Joint Select Committee on Research, Economic
Development and the Innovation Economy**

Senator BROMLEY for the **Joint Select Committee on Research, Economic Development and the Innovation Economy**, pursuant to Joint Order 2006, S.P. 847 asked leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy"

S.P. 90 L.D. 253

Be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Sent down for concurrence.

**Pursuant to Statutes
Maine Turnpike Authority**

Senator DAMON for the **Maine Turnpike Authority**, pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asked leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 2008"

S.P. 102 L.D. 319

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

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

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

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 Later Today Assigned matter:

NOMINATION - of Charles A. Dow of Winthrop, for appointment as a District Court Judge

Tabled - January 23, 2007, by Senator **HOBBS** of York

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 36) from the Committee on **JUDICIARY, READ and ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

Senator **HOBBS:** Thank you, Madame President, men and women of the Senate. I stand before you to recommend confirmation of Charles A. Dow for appointment as a Maine District Court Judge. Chuck was born and raised in Ft. Kent, Maine. Following his graduation from Ft. Kent High School, he attended the University of Maine at Ft. Kent. He graduated magna cum laude with a Bachelor's degree with a double major in English and Social Studies. Chuck then went on to receive his law degree from the University of Maine Law School in 1997. After attending the Law School, he was simultaneously taking courses in pursuit of his Master's degree in Public Policy and working part-time to defray expenses. He gained hands-on experience in Maine's District Court by participating in the Law School's Legal Aide Clinic in 1996 and 1997. He was also President of the Maine Association for Public Interest Law at the University of Maine Law School. After graduation he received a coveted Student Bar Association Award for Distinguished Service, which is annually given to a student of excellent ability.

Chuck Dow is an admired member of the Attorney General's Office and in state government in general. He is a son of a Northern Mainer who has consistently excelled in positions that require superior legal, analytical, and communicating skills. This, coupled with his energy, his enthusiasm, and time tested commitment to public service, will make Chuck a credit to the Judiciary for years to come.

During his confirmation hearing there were many testimonials in favor of his nomination. One was from a childhood friend, Attorney Robert Nadeau, who is a practicing attorney and partner in the firm of Drummond, Woodsom, and MacMahon in Portland. He spoke in strong favor and enthusiastically supported without reservation this nomination. If I may just quote a couple of phrases from Mr. Nadeau, who probably knows Chuck Dow as well as anyone, maybe except someone who's a member of this Body. It says here that, 'Chuck and I were both raised in Ft. Kent. I have known him for approximately 16 years, since the time that we were both undergraduates at the University of Maine at Ft. Kent. Chuck is a bright, thoughtful, and engaging person. I believe that he will approach the matters brought before him in his capacity as a judge reasonably and objectively. He will be fair, careful, and deliberate. Chuck is analytically skillful and has the intelligence and temperament to be an outstanding judge.' He goes on to say that he is familiar with Chuck's reputation among the people of Ft. Kent and his reputation is excellent. Everyone he knows likes and respects Chuck because he is an exceptionally smart and sincere individual. I think I can say that if it was not in the month of January when this hearing was held, and Ft. Kent was not five hours away, the room would have been filled with supporters. Mr. Nadeau goes on to say, 'Chuck is a very good person. He's prudent and has genuine concerns for those around him. I would trust him to handle fairly and skillfully

any matter that I, as an attorney, would take before him. Chuck is a quick study and he unquestionably has the ability to come up to speed readily on the various issues that would be presented in a courtroom. If I found myself representing a client in Chuck's courtroom I would know that he would conduct any hearing objectively and would pursue his duties conscientiously. I know that he would be fair and skillful.'

There were other accolades that were brought up at the hearing. He was supported, without reservation, by the Attorney General of the State of Maine. He was also supported and had comments made by Representative Patrick Flood, who appeared before our committee and whom I have a great deal of respect for. In summary, what the letter from Representative Flood says is, 'He is a good listener when I have brought issues to him for discussion. Most memorable is our conversation last year reviewing and clarifying the various maps provided by the late Governor Percival Baxter regarding his wishes for Baxter Park and how the late Governor's beliefs could be applied appropriately to last year's discussions regarding the Park and potential additions to the Park. This information was helpful in formulating potential solutions to the discussions before the Agriculture, Conservation and Forestry Committee at that time. Those discussions led to further reviews with the Baxter Park Authority and the ACF Committee, leading to an eventual resolution to that transaction. The time Chuck spent with me was very helpful in pinning down what was possibly and practical for this transaction.'

I urge you today to join me in supporting this recommendation of the Judiciary Committee for the confirmation of Charles Dow to the position of Maine District Court Judge. Thank you.

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

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. I take no pleasure in rising today to speak against the nomination of Mr. Dow. I do so without a sense of partisanship. I take no pleasure in doing this. I voted against his nomination in the Judiciary Committee. I take no pleasure because Mr. Dow is, as the good Senator from York, Senator Hobbins, has stated, a fine man. A man of intelligence. A man of sincere desire to serve the people of Maine. A man of compassion. In sum, he has the temperament that I would expect of a judge. He's a fine man. I sincerely regret any embarrassment that opposition to his nomination creates for him. I don't rise in partisanship. I do not believe partisanship plays any role in the nomination or appointment of a judge. It's a great obligation we have to confirm and that means to review and confirm. I never opposed a nomination of this Governor during my term in the Judiciary Committee and I wholeheartedly support all of the other nominees before us today. I do believe that Judiciary Committee, by law and this Body, has an obligation to not simply rubber stamp a nomination but to inquire as to the qualifications, because we really are the protectors of the public. The public deserves highly qualified judges to preserve our rule of law.

I looked to the Statutes for guidance. There really is no guidance. It simply says that the Chief Executive, the Governor, appoints and that this Body confirms after review by the Judiciary Committee. There is no standard for that review, so I looked to the Statutes. Quite honestly the only statutory qualification to

become a District Court Judge, really the front line judges of our Judiciary, is that one be a member of the Maine Bar. I would hope that no one in this Body believes that this is the sole qualification that we should require in confirming a judicial nomination. So I looked beyond that, for our Superior Courts and Law Court Judges there is some arcane language which we probably wouldn't use today but can be translated, that nominees be 'learned in the law and having sobriety of manner.' Phrases we would never use today. I think it clearly translates to the standards that the Judiciary Committee and the proponents and opponents of judicial nominees have spoken to in committee. Number one, experience. Experience that will allow them to step quickly into that judicial role. Secondly, temperament. You can't have one without the other. You can be very highly experienced lawyer but not have a good temperament and compassion it takes to deal with those who appear before courts. Compassion alone, or temperament alone, is also not enough. That alone does not make one, in my opinion, qualified to take that leap to the bench.

The District Court deals with myriads of disputes. The common disputes of our society that need to be resolved with compassion but per the law, pursuant to the rules. I am concerned that a person without any practical experience in dealing with that type of law will face too great a learning curve, that the public will need to wait out that learning curve until that nominee acquires the on-the-job experience that allows them to function appropriately, both with the compassion required and with the knowledge and skills required.

We have a number of nominees before us. In each case their experience and their temperament was highlighted at the hearing. The other five nominees have between 10 and 22 years of practical practice either in the public sector or in the private sector, but also courtroom practice, dealing with clients, dealing with the nuances of right and wrong, watching the process occur, learning how the process occurs, and being familiar with the rules of evidence and the rules of procedure. Each and every one of these candidates before us has that experience.

Some point was made that perhaps the lack of experience is almost a plus, that it wouldn't be jaded by the years of dealing with the nuts and bolts, the ups and downs, the problems that appear before a District Court and somehow that experience would somehow jade one against having the correct temperament. I think that is something of an insult to the Bar to suggest that having that experience somehow makes you less able to have and project the correct temperament that our public requires. Every other one of our candidates, in spite of their experience, was extolled as having the correct temperament required.

I look at Mr. Dow's qualifications to see if he does meet what we should require. There is no test as to what is sufficient experience, but let's talk about it. We have four months of private practice followed by two years with the Speaker's Office as counsel and six years in the Attorney General's Office, not as a front line Attorney General but as the Attorney General's Director of Communications and Legislative Affairs. Mr. Dow has acquired huge experience in public policy. I do not question that. I think he has great experience in that area, but I do not believe that this experience translates to the District Court bench. The experience that we should require of our District Court Judges should be that type of experience that will allow them to deal instantly with the types of cases that will be before them in the District Court. We should not expect the people of any part of Maine to wait out that lengthy learning curve.

Much was made at the hearing of the geographical factor. Mr. Dow has shown a willingness to go to Aroostook County. This appointment is not for an Aroostook County seat, it is for a traveling seat. These are the judgeships we created last year and the Chief Justice has made it known that these people are expected to travel. They are going to fill holes and fill needs around the state in the foreseeable future. Ultimately they may be a vacancy in Aroostook County but I cannot accept the fact that the Aroostook County Bar does not have members within it who do have the experience and the qualifications to allow them to step into this role immediately. I find that hard to believe. I find it somehow something of an insult to the Aroostook County Bar to say that it is difficult to find a qualified judge there and that this should somehow excuse the lack of experience or explain away the need for experience in judges that it is so hard to fill one of those vacancies. In fact, it was made quite clear to us that there had been no reaching out to Aroostook County for a member of the Bar with the type of experience we should expect.

Members of the Senate, once again, I have no pleasure in opposing the nomination of Mr. Dow because he is a fine gentleman, but I do feel an obligation on behalf of the people of Maine to insist that our judicial appointments have both the temperament and the experience that we should require. Yes, many people spoke in favor of Mr. Dow. I think we can all say that many on the committee received calls or spoke with practicing lawyers who were concerned about this, but in each and every case they told me that they would never go to that hearing because if he was appointed they would have to appear before him at some point and they did not want that because it would be harmful to their client. I somewhat discount the fact that there were not as many people speaking against him at the hearing because there were these communications made to me by the lawyers. Since we are not formally judges, I will accept that as somewhat hearsay evidence and I think we all do listen to our constituents. With respect to Mr. Dow as a good and fine person, I respectfully request that you would, as I will, cast your vote against the notation of Mr. Dow. Thank you.

THE PRESIDENT: The pending question before the Senate is shall the recommendation of the Committee on Judiciary be overridden?

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#10)

YEAS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SHERMAN, SMITH, SNOWE-MELLO, TURNER, WESTON

NAYS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, HOBBS, MARRACHE, MARTIN, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, and 17 being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Charles A. Dow** of Winthrop, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of the Honorable Vendean V. Vafiades of Hallowell, for appointment to the Public Utilities Commission

Tabled - January 23, 2007, by Senator **MITCHELL** of Kennebec

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 32) from the Committee on **UTILITIES AND ENERGY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **UTILITIES AND ENERGY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#11)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Vendean V. Vafiades** of Hallowell, for appointment to the Public Utilities Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Vendean Vafiades. Would she please rise and accept the greetings of the Maine Senate.

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

NOMINATION - of John H. O'Neil of Kennebunk, for appointment as a District Court Judge

Tabled - January 23, 2007, by Senator **MITCHELL** of Kennebec

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 33) from the Committee on **JUDICIARY**, **READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#12)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John H. O'Neil** of Kennebunk, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of the Honorable Andrew M. Horton of Falmouth, for appointment as a Superior Court Justice

Tabled - January 23, 2006, by Senator **HOBBS** of York

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 34) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#13)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Andrew M. Horton** of Falmouth, for appointment as a Superior Court Justice was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of Michael P. Cantara of Biddeford, for appointment as a District Court Judge

Tabled - January 23, 2007, by Senator **HOBBS** of York

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 35) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE**.)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#14)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael P. Cantara** of Biddeford, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Michael Cantara. Would he please rise and accept the greetings of the Maine Senate.

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

NOMINATION - of Valerie Stanfill of Turner, for appointment as a District Court Judge

Tabled - January 23, 2007, by Senator **HOBBINS** of York

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 37) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#15)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBINS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Valerie Stanfill** of Turner, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

NOMINATION - of MaryGay Kennedy of Brunswick, for appointment as a District Court Judge

Tabled - January 23, 2007, by Senator **HOBBINS** of York

Pending - **CONSIDERATION**

(In Senate, January 23, 2007, Communication (S.C. 38) from the Committee on **JUDICIARY, READ** and **ORDERED PLACED ON FILE.**)

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 123rd Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#16)

YEAS: Senators: None

NAYS: Senators: BARTLETT, BENOIT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, COURTNEY, DAMON, DIAMOND, DOW, GOOLEY, HASTINGS, HOBBINS, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SHERMAN, SMITH, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **MaryGay Kennedy** of Brunswick, for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

ORDERS

Joint Resolution

On motion by Senator **MITCHELL** of Kennebec, under unanimous consent on behalf of President **EDMONDS** of Cumberland, (Cosponsored by Speaker **CUMMINGS** of Portland and Senators: **ROSEN** of Hancock, **WESTON** of Waldo, **MITCHELL** of Kennebec, **MARTIN** of Aroostook, Representatives: **CROSTHWAITE** of Ellsworth, **FAIRCLOTH** of Bangor, **PINGREE** of North Haven, **TARDY** of Newport), the following Joint Resolution:

S.P. 101

JOINT RESOLUTION RECOGNIZING HEALTHY COMMUNITIES AND PLANNED APPROACH TO COMMUNITY HEALTH COALITIONS

WHEREAS, health is the result of much more than just medical care. People are healthier when they live in nurturing environments and are involved in the life of their communities; and

WHEREAS, Maine citizens have formed Healthy Communities and Planned Approach to Community Health ("PATCH") coalitions across the State to improve the health of their communities; and

WHEREAS, the Healthy Communities and PATCH coalitions are a broad and sharing network of interrelated groups of citizen volunteers consisting of individuals, families, businesses, schools, churches, health care providers, governments and others with similar concerns and values on health and community issues; and

WHEREAS, Maine is a leader in establishing a network of healthy communities largely due to the effectiveness of the volunteer leaders and organizations in meeting local health needs; and

WHEREAS, the dedication and efforts of the citizen volunteers deserve our highest support and encouragement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-third Legislature now assembled in the First Regular Session, take this opportunity to honor the ideals and accomplishments of the Healthy Communities and PATCH coalitions; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Health and Human Services, Maine Center for Disease Control and Prevention in token of the esteem in which we hold the citizen volunteers of the Healthy Communities and PATCH coalitions.

READ and ADOPTED.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time"

S.P. 78 L.D. 241

Tabled - January 16, 2007, by Senator **DAMON** of Hancock

Pending - **REFERENCE**

(Committee on **TRANSPORTATION** suggested and ordered printed.)

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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

Senator **ROSEN** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **MITCHELL** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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

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

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **TURNER** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **TURNER**: Thank you, Madame President, ladies and gentlemen of the Senate. I think most of you that have read the papers realize that we lost a wonderful world citizen in Hanley Denning, who tragically was killed in Guatemala last Thursday. She is a resident of Guatemala City and a resident of Yarmouth, Maine. Her family still resides in Yarmouth today. I ask that when we adjourn today that we adjourn in Hanley Denning's honor and lasting tribute. Thank you, Madame President.

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

On motion by Senator **MITCHELL** of Kennebec, **ADJOURNED**, until Thursday, January 25, 2007, at 10:00 in the morning, in memory of and lasting tribute to Hanley Graham Denning of Guatemala City, formerly of Yarmouth.