

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

In Senate Chamber  
Tuesday  
January 17, 2006

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

Prayer by Pastor Stephen Tracey of Lakeview Orthodox Presbyterian Church in Rockport.

**PASTOR TRACEY:** Thank you for your kind invitation to be here today. I understand that the Governor has delayed this evening's speech due to the unexpected death of Melvin Francis. It is right that we pause at such a time. There is a time to be born and a time to die; a time to weep; a time to mourn; and a time to keep silence. This is such a time. Grief is an intensely painful thing. Sudden grief is a ferociously painful thing. C.S. Lewis, that great Narnian, once wrote 'no one ever told me it would be like this' at the beginning of his book *A Grief Observed*, written following the death of his wife. A year later he wrote another book entitled *The Problem of Pain*. Many of you know what he means. You have experienced grief and you have been into that empty place, that place of numbness, of sorrow, that place of questions. To observe grief is heartbreaking. To share grief is anguish. To be grief-stricken is to be slain by life itself.

Five years ago, on the 12<sup>th</sup> of January 2001, I was traveling with my wife and children on a flight from Ireland as we were making our way to Portland to visit a church in Rockport. While we were on that plane my wife's sister was killed in a car crash. She was on her way to school to pick up four little boys. Grief forces us to ask questions, questions we don't want to ask or think about. Questions about God. What's He doing? Does He care? Is He there? Questions about people. What will they do now? How will they cope? Questions about ourselves, which are perhaps the most uncomfortable. What if it had been me or my wife or my children or if I had been driving the truck that left someone else dead?

At times like these we turn to old familiar words. The Lord is my Shepard. I shall not want. He makes me to lie down in green pastures. He leadeth me beside the still waters. He restoreth my soul. He leadeth me in the paths of righteousness for his name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil for Thou art with me. Thy rod and thy staff they comfort me.

Turning to words is one thing. Turning to the Shepard of whom these words speak is another thing. He has been into that valley of death, our God. He has suffered and died and risen from the dead and there is a comforter for those who mourn, Jesus Christ. Let us pray.

Our God and Father, we come before You this day knowing that You are incomparable, that You do not faint or grow weary, and that Your understanding is unsearchable; but we grow faint and weary and we do not understand. This is a day of mourning and pray for the family of Melvin Francis, that in their grief and pain You will draw near to them. Help them through these raw,

cold days. Help them through the shock and the numbness, the deep searing pain. Oh God of all comfort, comfort them, we pray. Draw near to his wife, to their children, to their grandchildren, to their foster children, to their friends, and the community at Pleasant Point. We pray, too, for Scott Colcord and Daren Holmes. Scott was driving that truck. Draw near to them in their shock and in their grief.

We pray that in the midst of all our important business that You will be merciful to us. You have called us to be wise and to apply our hearts to wisdom and to seek You while You may be found. Grant us Your grace to do this, for You are full of compassion and pardon. This we pray in Jesus Christ. Amen.

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

Reading of the Journal of Thursday, January 12, 2006.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events" H.P. 1376 L.D. 1964

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

**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 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule That Has Been Provisionally Adopted by the Department of Education (EMERGENCY)

H.P. 1375 L.D. 1963

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 **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Joint Orders**

The following Joint Order:

H.P. 1377

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs shall report out, to the House, a bill authorizing a referendum to authorize a tribal commercial track and slot machines in Washington County.

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

**READ.**

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.C. 346

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

January 12, 2006

Honorable Joy J. O'Brien  
Secretary of the Senate  
122nd Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

Please be advised that pursuant to House Rule 201.1 (I), the Speaker made the following changes to appointments to the Committees of the 122nd Maine Legislature:

The appointment of Representative **BLANCHETTE** of Bangor to the Joint Standing Committee on **LEGAL AND VETERANS AFFAIRS** was rescinded.

Representative **NASS** of Acton was appointed to the Joint Standing Committee on **LEGAL AND VETERANS AFFAIRS**, replacing Representative **BLANCHETTE** of Bangor.

The appointment of Representative **PINEAU** of Jay to the Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was rescinded.

Representative **EDGEComb** of Caribou was appointed to the Joint Standing Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, replacing Representative **PINEAU** of Jay.

The appointment of Representative **SAMPSON** of Auburn to the Joint Standing Committee on **STATE AND LOCAL GOVERNMENT** was rescinded.

Representative **BROWNE** of Vassalboro was appointed to the Joint Standing Committee on **STATE AND LOCAL GOVERNMENT**, replacing Representative **SAMPSON** of Auburn.

The appointment of Representative **WHEELER** of Kittery to the Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE** was temporarily rescinded.

Representative **SAVIELLO** of Wilton was temporarily appointed to the Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE**, replacing Representative **WHEELER** of Kittery.

The appointment of Representative **BRYANT** of Windham to the Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE** was rescinded.

Representative **SYKES** of Harrison was appointed to the Joint Standing Committee on **INLAND FISHERIES AND WILDLIFE**, replacing Representative **BRYANT** of Windham.

The appointment of Representative **SAVIELLO** of Wilton to the Joint Standing Committee on **NATURAL RESOURCES** was temporarily rescinded.

Representative **WHEELER** of Kittery was temporarily appointed to the Joint Standing Committee on **NATURAL RESOURCES**, replacing Representative **SAVIELLO** of Wilton.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

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**SENATE PAPERS**

Bill "An Act To Ensure the Ability of Municipalities To Provide Assistance to Their Citizens" (EMERGENCY)  
S.P. 755 L.D. 1965

Sponsored by Senator **NUTTING** of Androscoggin.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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**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 the Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2007"

S.P. 756 L.D. 1966

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.

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

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**REPORTS OF COMMITTEES**

**House**

**Change of Committee**

The Committee on **TRANSPORTATION** on Bill "An Act To Safeguard Maine's Highways"

H.P. 1347 L.D. 1906

Reported that the same be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**, in concurrence.

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**Refer Pursuant to Joint Order**

The Committee on **JUDICIARY** on Bill "An Act To Ensure Foster Parents Have Access to the Appeal and Fair Hearing Process"

H.P. 1374 L.D. 1962

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to Joint Order 2005, H.P. 1179.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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Off Record Remarks

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**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays  
H.P. 1149 L.D. 1631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-731)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-731)**.

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

**READ ONCE**.

Committee Amendment "A" (H-731) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Senate**

**Ought to Pass As Amended**

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish a Pilot Project To Assist Towns Interested in Multitown Cooperation and Governance  
S.P. 389 L.D. 1127

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-434)**.

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

**READ ONCE**.

Committee Amendment "A" (S-434) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

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

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Off Record Remarks  
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**SECOND READERS**

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, January 18, 2006, at 11:00 in the morning, in memory of and lasting tribute to Governor Melvin Francis, Passamaquoddy Tribe, Pleasant Point.

**House As Amended**

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

**READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.**

Sent down for concurrence.

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Bill "An Act To Establish a Maternal and Infant Death Review Panel"

H.P. 984 L.D. 1420  
(C "A" H-728)

**READ A SECOND TIME.**

Senator **DOW** of Lincoln moved to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently, the same Senator requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

**PASSED TO BE ENGROSSED AS AMENDED, in concurrence.**

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

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

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