

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

In Senate Chamber
Thursday
February 16, 2006

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

Prayer by Reverend Jay Hodge of Presbyterian Church in Wales.

REVEREND HODGE: Let us pray. Almighty and loving God, we call upon You to bless the people of this chamber as they struggle with the decisions before them. They are from different backgrounds, with different insights and perspectives, and yet they are all citizens of this state, this country, and Your world. Help them to use both their differences and their similarities to discern Your will for this state and its population. We also ask that You bless the outcome of their work so that their deliberations will yield the fruit of goodness and kindness according to Your gracious nature. Finally, we ask You to bless the process by which these decisions are made so that the direction taken by this governmental body on behalf of the men, women, and children of Maine is the same direction as the flow of Your mighty waters of justice and mercy. In Your most holy name we pray. Amen.

Doctor of the day, Dr. Edward Pontius of Topsham.

Reading of the Journal of Tuesday, February 14, 2006.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Joint Order:
S.P. 778

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 28, 2006, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 502

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

February 13, 2006

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1876 An Act To Inform Parents of Students' Privacy Rights

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth H. Mitchell S/Rep. Jacqueline Norton
Senate Chair House Chair

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

The Following Communication: S.C. 503

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

February 13, 2006

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1754 An Act To Give the Commissioner of Health and Human Services Administrative Subpoena Authority

L.D. 1928 An Act Permitting the Recycling of Unused Prescription Drugs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

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

The Following Communication: S.C. 504

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

February 13, 2006

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1937 An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To Increase Efficiency in Truck Hauling" (EMERGENCY) H.P. 1209 L.D. 1702

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-749).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749).**

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

READ ONCE.

Committee Amendment "A" (H-749) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons" S.P. 353 L.D. 1036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-456).**

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

READ ONCE.

Committee Amendment "A" (S-456) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Sustain and Strengthen Community Health Coalitions" S.P. 596 L.D. 1614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-455).**

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

READ ONCE.

Committee Amendment "A" (S-455) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend Certain Transportation Laws"
S.P. 667 L.D. 1750

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-458).**

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

READ ONCE.

Committee Amendment "A" (S-458) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option
S.P. 150 L.D. 463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-457).**

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook

Representatives:

PINGREE of North Haven
WALCOTT of Lewiston
GROSE of Woolwich
BURNS of Berwick
MILLER of Somerville
WEBSTER of Freeport

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot
GLYNN of South Portland

Reports **READ**.

Senator **MAYO** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

SECOND READERS

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

House

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

H.P. 1229 L.D. 1721

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

Senate

Bill "An Act To Amend Certain Requirements in the ASPIRE-TANF Program"

S.P. 663 L.D. 1746

Bill "An Act To Set a Maximum on Penalties Imposed for Licensing Violations by Eating Establishments, Eating and Lodging Places, Lodging Places, Recreational Camps or Camping Areas"

S.P. 670 L.D. 1753

READ A SECOND TIME and **PASSED TO BE ENGROSSED.**

Sent down for concurrence.

Senate As Amended

Bill "An Act To Create the County Government Capital Improvements Revolving Loan Fund"

S.P. 297 L.D. 889
(C "A" S-449)

Bill "An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge"

S.P. 650 L.D. 1696
(C "A" S-450)

Bill "An Act Regarding the Appointment of Harbor Masters"

S.P. 651 L.D. 1697
(C "A" S-447)

Bill "An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax"

S.P. 678 L.D. 1761
(C "A" S-453)

Bill "An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit"

S.P. 700 L.D. 1783
(C "A" S-451)

Bill "An Act To Exempt Snow Grooming Equipment and Machinery from the Personal Property Tax"

S.P. 716 L.D. 1799
(C "A" S-452)

Bill "An Act To Revise Certain Fish and Wildlife Laws"

S.P. 740 L.D. 1939
(C "A" S-446)

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

Sent down for concurrence.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness

S.P. 655 L.D. 1738

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

An Act To Prevent the Introduction of Pathogens into the State That Threaten the Health of Maine's Fish and Wildlife Resources

H.P. 1272 L.D. 1832
(C "A" H-742)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act Regarding Licensure Requirements for Nurses
S.P. 669 L.D. 1752

An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians

S.P. 672 L.D. 1755
(C "A" S-442)

An Act To Address Emergency Licensure Procedures
S.P. 673 L.D. 1756

An Act To Amend the Debt Collection Law
S.P. 721 L.D. 1804

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

Off Record Remarks

Resolve

Resolve, To Facilitate Implementation of the Sports Done Right Program

S.P. 26 L.D. 84
(C "A" S-438)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (1/12/06) Assigned matter:

SENATE REPORTS -from the Committee on **LABOR** on Bill "An Act Requiring Equal Retirement Benefits for Corrections Officers and Mental Health Workers with 25 Years of State Service"
S.P. 246 L.D. 748

Senate called to order by the President.

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "B" (S-432)** (6 members)

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

Report "**B**" - **Ought Not to Pass** (6 members)

Senator **WESTON** of Waldo was granted unanimous consent to address the Senate off the Record.

Tabled - January 12, 2006, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED**

(In Senate, January 12, 2006, Reports **READ**.)

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

On motion by Senator **STRIMLING** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED ACCEPTED**.

READ ONCE.

Committee Amendment "B" (S-432) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

On motion by Senator **DAMON** of Hancock, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 28, 2006, at 10:00 in the morning, in memory of and lasting tribute to William "Bill" Crowe of Winter Harbor and Lucinda J. Hebert of Caribou.

The Chair laid before the Senate the following Tabled and Later (2/02/06) Assigned matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access"

S.P. 455 L.D. 1328

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-429)** (1 member)

Tabled - February 2, 2006, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, January 31, 2006, Reports **READ**. On motion by Senator **PERRY** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.)

(In House, February 1, 2006, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

On motion by Senator **PERRY** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease.