

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

In Senate Chamber
Thursday
March 17, 2005

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

Prayer by Reverend Frank J. Murray of Auburn Catholic Community.

REVEREND MURRAY: Let us pray. Loving God, we gather on this special day to continue the challenging work You have entrusted to us. At times our work seems daunting and beyond our individual abilities, yet we know we are not alone. You have graced us with Your spirit and with each other. You have the ability to bring us together. We pray on this day, which is special to so many of us, that You will give us also a measure of the determination, fortitude, wisdom, and compassion You gave Saint Patrick. Let us, like Saint Patrick, accept these virtues with humility and generosity and let us work together for the common good of the people of the State of Maine. May the spirit, traditions, and commitment of Saint Patrick of Ireland be an example to us and motivate us this day with joy and happiness. We make this prayer in Your name. Amen.

Doctor of the day, Dr. George Davis, M.D. of Augusta.

Reading of the Journal of Tuesday, March 15, 2005.

Off Record Remarks

The Chair noted the absence of the Senator from Oxford, Senator **HASTINGS** and further excused the same Senator from today's Roll Call votes.

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Joint Order:
S.P. 452

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 22, 2005, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

House Paper

Resolve, To Ensure the Effective Implementation of Alewife Restoration on the Sebasticook River Watershed
H.P. 921 L.D. 1322

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

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **MARINE RESOURCES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 91

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

March 2, 2005

The Honorable Beth Edmonds
President of the Senate of Maine
122nd 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 122nd Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Paul R. Dionne of Lewiston, for reappointment to the Workers' Compensation Board.

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, Snowe-Mello of Androscoggin, Strimling of Cumberland
------	----------	---	---

Representatives 9 Clark of Millinocket, Cressey of Cornish, Driscoll of Westbrook, Hall of Holden, Hamper of Oxford, Hutton of Bowdoinham, Jackson of Fort Kent, Smith of Van Buren, Tuttle of Sanford

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 Paul R. Dionne. Would he please rise and accept the greetings of the Maine Senate.

NAYS 0

ABSENT 1 Rep. Duprey of Hampden

The Following Communication: S.C. 98

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

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 Paul R. Dionne of Lewiston, for reappointment to the Workers' Compensation Board be confirmed.

March 10, 2005

Signed,

S/Ethan Strimling
Senate Chair

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

S/William J. Smith
House Chair

Dear President Edmonds and Speaker Richardson:

READ and ORDERED PLACED ON FILE.

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

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 bills out "Ought Not to Pass":

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 122nd Legislature, the vote was taken by the Yeas and Nays.

L.D. 116 An Act To Ensure Funding for After-school Programs

L.D. 556 An Act To Require School Unions To Provide Transportation for Students

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#23)

YEAS: Senators: None

Sincerely,

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

EXCUSED: Senator: HASTINGS

The Following Communication: S.C. 99

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, 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 **Paul R. Dionne** of Lewiston, for reappointment to the Workers' Compensation Board was **CONFIRMED**.

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

March 14, 2005

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

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

March 10, 2005

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":

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 Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 14 An Act To Clarify Eligibility for the Temporary Assistance for Needy Families Program
- L.D. 76 Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Payment for Goods and Services
- L.D. 154 An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens
- L.D. 201 An Act To Discontinue Transitional Child Care Services
- L.D. 203 An Act To Make Changes to the ASPIRE-TANF Program
- L.D. 266 An Act To Ensure That All Providers of MaineCare Services Are Maine-based Businesses
- L.D. 451 An Act To Simplify Application for Benefits and Services under the Department of Health and Human Services
- L.D. 481 Resolve, To Ensure That Public Assistance Benefits Do Not Exceed Average Wages for a County

- L.D. 507 An Act To Establish Individual Medical Savings Accounts

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

Sincerely,

S/Sen. Joseph Charles Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

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

The Following Communication: S.C. 101

**MAINE STATE LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES
AUGUSTA, MAINE 04333**

March 10, 2005

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 Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

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. 100

- L.D. 97 An Act To Terminate Payments to the Maine Workers' Compensation Residual Market Pool from the Maine Insurance Guaranty Association

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 102

**MAINE STATE LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES
AUGUSTA, MAINE 04333**

March 14, 2005

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 Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 568 An Act To Eliminate the Minimum Premium for Workers' Compensation Insurance

L.D. 590 An Act Regarding Medical Malpractice Insurance Rate Filings

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

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

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

The Following Communication: S.C. 103

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

March 10, 2005

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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 276 An Act To Provide Fair and Equitable Local Calling Service for the People of the State

L.D. 330 An Act To Protect Utility Customers from Imprudently Incurred Costs

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

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

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

SENATE PAPERS

Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually
S.P. 457 L.D. 1330

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Senators: MILLS of Somerset, NASS of York, RAYE of Washington, Representatives: MAREAN of Hollis, MILLETT of Waterford.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Off Record Remarks

An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority
S.P. 466 L.D. 1339

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative McFADDEN of Dennysville and Representatives: DUGAY of Cherryfield, EMERY of Cutler, McLEOD of Lee, PERRY of Calais.

An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing
S.P. 467 L.D. 1340

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative PERCY of Phippsburg and Senators: BROMLEY of Cumberland, HOBBS of York, TURNER of Cumberland, Representatives: BLANCHETTE of Bangor, MILLS of Farmington, RECTOR of Thomaston, SMITH of Monmouth.

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

Sent down for concurrence.

Resolve, Directing the Board of Trustees of the University of Maine System To Institute a Statewide Sports Program
S.P. 453 L.D. 1326

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative BARSTOW of Gorham and Senators: BRENNAN of Cumberland, MITCHELL of Kennebec, SCHNEIDER of Penobscot, Representatives: CAIN of Orono, FISCHER of Presque Isle, JACKSON of Fort Kent.

Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County
S.P. 459 L.D. 1332

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative DUGAY of Cherryfield and Representatives: EMERY of Cutler, McFADDEN of Dennysville, McLEOD of Lee, PERRY of Calais.

An Act To Allow School Board Members To Perform Certain Functions in the School
S.P. 461 L.D. 1334

Sponsored by Senator SAVAGE of Knox. (BY REQUEST)

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

Sent down for concurrence.

An Act To End Discrimination

S.P. 471 L.D. 1365

Sponsored by Senator BRENNAN of Cumberland.
Cosponsored by Speaker RICHARDSON of Brunswick, Representative PERCY of Phippsburg and Senators: BARTLETT of Cumberland, BROMLEY of Cumberland, COWGER of Kennebec, DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, President EDMONDS of Cumberland, GAGNON of Kennebec, MAYO of Sagadahoc, NUTTING of Androscoggin, ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, STRIMLING of Cumberland, SULLIVAN of York, Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BARSTOW of Gorham, BLANCHARD of Old Town, BLISS of South Portland, BRAUTIGAM of Falmouth, BRYANT of Windham, BURNS of Berwick, CAIN of Orono, CANAVAN of Waterville, CUMMINGS of Portland, DUCHESNE of Hudson, DUDLEY of Portland, DUNN of Bangor, EBERLE of South Portland, FAIRCLOTH of Bangor, FARRINGTON of Gorham, GERZOFISKY of Brunswick, GOLDMAN of Cape Elizabeth, HUTTON of Bowdoinham, JACKSON of Fort Kent, KOFFMAN of Bar Harbor, LERMAN of Augusta, MARLEY of Portland, NORTON of Bangor, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERRY of Calais, PINEAU of Jay, PINGREE of North Haven, SAMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery, WOODBURY of Yarmouth.

An Act To Preserve the Medical Liability Climate in the State by Capping Noneconomic and Punitive Damages
S.P. 476 L.D. 1378

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representative McKANE of Newcastle, Representative SAVIELLO of Wilton and Senators: DIAMOND of Cumberland, WESTON of Waldo, Representatives: CURLEY of Scarborough, DRISCOLL of Westbrook, DUGAY of Cherryfield, MARRACHÉ of Waterville, NASS of Acton, WOODBURY of Yarmouth.

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

Sent down for concurrence.

An Act To Amend the Laws Governing the Right to Periodic Review under the Maine Juvenile Code
S.P. 474 L.D. 1376

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative BLANCHETTE of Bangor and Senators: CLUKEY of Aroostook, DIAMOND of Cumberland, NUTTING of Androscoggin, Representatives: CHURCHILL of Washburn, DAVIS of Augusta, GERZOFISKY of Brunswick, SYKES of Harrison, WEBSTER of Freeport.

Committee on **JUDICIARY** suggested and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent down for concurrence.

An Act To Require the Workers' Compensation Board To Use the 5th Edition 'Guides to the Evaluation of Permanent Impairment' in Assessing Workers' Compensation Injuries Involving the Spinal Column

S.P. 456 L.D. 1329

Sponsored by Senator NUTTING of Androscoggin.
Cosponsored by Representative SMITH of Van Buren and Senators: BRYANT of Oxford, President EDMONDS of Cumberland, MILLS of Somerset, STRIMLING of Cumberland, Representatives: HUTTON of Bowdoinham, TUTTLE of Sanford.

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

Sent down for concurrence.

An Act To Add Value to Maine Agricultural Products (EMERGENCY)

S.P. 462 L.D. 1335

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative PATRICK of Rumford and Senators: GAGNON of Kennebec, HASTINGS of Oxford, MITCHELL of Kennebec, PLOWMAN of Penobscot, TURNER of Cumberland, Representatives: BLANCHETTE of Bangor, BROWN of South Berwick, FISHER of Brewer.

An Act To Promote Economic Development in Commercial and Downtown Areas of the State (EMERGENCY)

S.P. 463 L.D. 1336

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford and Representatives: BROWN of South Berwick, HANLEY of Gardiner, HOTHAM of Dixfield, MOORE of the Passamaquoddy Tribe.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

An Act To Prohibit the Use of Mercury Fillings

S.P. 454 L.D. 1327

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, DAMON of Hancock, STRIMLING of Cumberland, Representatives: ADAMS of Portland, TWOMEY of Biddeford.

An Act To Limit Human Exposure to Mercury

S.P. 465 L.D. 1338

Sponsored by Senator DAMON of Hancock.
Cosponsored by Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, MARTIN of Aroostook, MAYO of Sagadahoc, STRIMLING of Cumberland, Representatives: ADAMS of Portland, TWOMEY of Biddeford.

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

An Act To Set a Deadline for Responses to State Employees Seeking Job Reclassifications or Range Changes

S.P. 458 L.D. 1331

Sponsored by Senator MITCHELL of Kennebec.
Cosponsored by Representative BARSTOW of Gorham and Senator: SCHNEIDER of Penobscot, Representatives: CUMMINGS of Portland, DAVIS of Falmouth, HARLOW of Portland, MILLER of Somerville.

An Act To Require a Surcharge on Probate Documents

S.P. 472 L.D. 1374

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative BARSTOW of Gorham and Representative: SCHATZ of Blue Hill.

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

Sent down for concurrence.

An Act To Amend the Maine Tree Growth Tax Law To Encourage Public Access

S.P. 455 L.D. 1328

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative PINEAU of Jay and Senators: BRENNAN of Cumberland, DAMON of Hancock, PERRY of Penobscot, STRIMLING of Cumberland, Representatives: CLARK of Millinocket, McCORMICK of West Gardiner.

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

Sent down for concurrence.

Resolve, To Require the Department of Transportation To Improve Highway Signs in the Greater Augusta Area
S.P. 460 L.D. 1333

Sponsored by Senator SAVAGE of Knox.

An Act To Enhance the Safety of Fire and Emergency Medical Service Personnel

S.P. 464 L.D. 1337

Sponsored by Senator NASS of York.

An Act To Amend the Motor Vehicle Laws

S.P. 468 L.D. 1341

Sponsored by Senator DAMON of Hancock.

Cosponsored by Representative MARLEY of Portland and Representatives: JACKSON of Fort Kent, MAZUREK of Rockland, McKENNEY of Cumberland, TARDY of Newport. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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

Sent down for concurrence.

An Act Reducing Oversight Expense for Decommissioning Nuclear Power Plants To Benefit Electric Ratepayers

S.P. 469 L.D. 1342

Sponsored by Senator BARTLETT of Cumberland.

Cosponsored by Representative: BLISS of South Portland. Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits

S.P. 473 L.D. 1375

Sponsored by Senator STRIMLING of Cumberland.

Cosponsored by Senator: BARTLETT of Cumberland.

An Act Regarding Municipally Owned Street Lighting

S.P. 475 L.D. 1377

Sponsored by Senator WOODCOCK of Franklin.

An Act To Amend the Maine Wind Energy Act

S.P. 477 L.D. 1379

Sponsored by Senator STRIMLING of Cumberland.

Cosponsored by Representative FLETCHER of Winslow and Senators: BARTLETT of Cumberland, COWGER of Kennebec, DAMON of Hancock, Representative: BLISS of South Portland.

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

Sent down for concurrence.

ORDERS

Joint Resolutions

On motion by Senator **MARTIN** of Aroostook (Cosponsored by Representative KOFFMAN of Bar Harbor and Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, DAMON of Hancock, President EDMONDS of Cumberland, MAYO of Sagadahoc, Representatives: ADAMS of Portland, TWOMEY of Biddeford, WATSON of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214), the following Joint Resolution:

S.P. 470

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO CONTROL MERCURY AS A HAZARDOUS AIR POLLUTANT

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States and the United States Environmental Protection Agency, as follows:

WHEREAS, mercury is a poison that poses a significant risk to unborn and newborn children, wildlife and the environment, and the United States Food and Drug Administration has warned that women and children need to severely limit consumption of certain fish contaminated by mercury; and

WHEREAS, according to the United States Environmental Protection Agency, at least 1/3 of all mercury emissions can be attributed to coal-fired power plants; and

WHEREAS, according to the federal Clean Air Act Amendments of 1990, toxic substances such as mercury must be controlled by the "maximum achievable control technology" standard; and

WHEREAS, 2 years ago, the United States Environmental Protection Agency estimated that, under a maximum achievable control technology standard, power plants using existing technologies could reduce 90% of mercury emissions from power plants, bringing mercury emissions down from 49 tons to roughly 5 tons per year by 2008; and

WHEREAS, the United States Environmental Protection Agency now has proposed legislation for mercury that allows a significant delay for cleaning up power plant mercury emissions and imposes a standard that is far weaker than the maximum achievable control technology standard and is not protective of public health; and

WHEREAS, these proposed changes would in effect treat the mercury emissions of power plants as nonhazardous air pollution and allow power plants to emit 6 to 7 times more mercury into the nation's air, for a decade longer, than the Clean Air Act allows; and

WHEREAS, the United States Environmental Protection Agency proposes changes to allow power plants to purchase pollution credits from other cleaner plants and avoid reducing mercury emissions altogether, which increases the chances that toxic "hotspots" could develop in communities where deposition is more prevalent; and

WHEREAS, Section 116 of the Clean Air Act preserves the authority of the states to establish and enforce more stringent air quality and emissions standards; and

WHEREAS, by establishing a cap-and-trade program for mercury, the proposed regulations could have the effect of preempting a state's ability to set its own emissions standards; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Congress of the United States and the United States Environmental Protection Agency control mercury as a hazardous air pollutant as required by the Clean Air Act; and be it further

RESOLVED: The We, your Memorialists, encourage the United States Environmental Protection Agency to stop pursuing a cap-and-trade program that could interfere with the ability of states to achieve maximum control of mercury emissions from power plants based on state health standards, fish advisories and other factors; and be it further

RESOLVED: That suitable copies of this resolution, duly authorized by the Secretary of State, be transmitted to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the United States Environmental Protection Agency and to each member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent down for concurrence.

On motion by Senator **HOBBS** of York (Cosponsored by Representative PELLETIER-SIMPSON of Auburn and Representatives: BRYANT of Windham, BRYANT-DESCHENES of Turner, CANAVAN of Waterville, CARR of Lincoln, DUNN of Bangor, FAIRCLOTH of Bangor, NASS of Acton, SHERMAN of Hodgdon), the following Joint Resolution:

S.P. 478

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK, MARCH 13-19

WHEREAS, the basic principles of freedom of speech and freedom of the press guaranteed in the United States Constitution are fundamental to our national heritage; and

WHEREAS, the American Society of Newspaper Editors has initiated Sunshine Week: Your Right to Know as a way of illustrating the importance of open government; and

WHEREAS, Sunshine Week is established to spark a discussion about the importance of open government and public access to government documents and meetings; and

WHEREAS, the issue is important in the State of Maine especially, since we have been currently addressing public access bills in this legislative session; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 13-19, 2005 and that we confirm the basic principles of an open and accessible government in a free society and we join Governor John E. Baldacci in urging all citizens to join in this observance.

READ and ADOPTED.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on An Act To Prohibit the Federal Government from Owning Property in the State Not Specifically Authorized in the United States Constitution

H.P. 69 L.D. 73

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin

Representatives:

BARSTOW of Gorham
McFADDEN of Dennysville
HARLOW of Portland
SAMPSON of Auburn
BLANCHARD of Old Town
MUSE of Fryeburg
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-27).**

Signed:

Senator:

ANDREWS of York

Representatives:

MOULTON of York

BISHOP of Boothbay

CROSTHWAITE of Ellsworth

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

Senate

Ought to Pass

Senator **SCHNEIDER** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Create a Family Reunion Day in August"

S.P. 76 L.D. 223

Reported that the same **Ought to Pass**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator **NUTTING** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on An Act To Support the Department of Conservation, Bureau of Forestry's Aerial Fire Suppression Program

S.P. 37 L.D. 95

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-17)**.

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

READ ONCE.

Committee Amendment "A" (S-17) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **BARTLETT** for the Committee on **UTILITIES AND ENERGY** on An Act To Credit Utility Customers with Certain Amounts Paid as Fines

S.P. 36 L.D. 94

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-18)**.

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

READ ONCE.

Committee Amendment "A" (S-18) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House

An Act To Amend the Law Pertaining to Nitrous Oxide Systems
H.P. 67 L.D. 71

An Act To Limit Terms for Members of the State Board of Education
H.P. 186 L.D. 247

An Act Concerning Street Rod Standards
H.P. 298 L.D. 395

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

House As Amended

Bill "An Act To Establish Charity Appreciation Week"
H.P. 26 L.D. 23
(C "A" H-24)

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

Senate

An Act Concerning Appeal Rights under the Maine Enterprise Option Program

S.P. 51 L.D. 145

An Act To Amend the Applied Technology Development Centers Statutes

S.P. 79 L.D. 226

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2006

S.P. 123 L.D. 375

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Amend the Definition of Authorized Emergency Vehicle"

S.P. 19 L.D. 39
(C "A" S-16)

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.

Senate at Ease.

Senate called to order by the President.

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 Specially (3/2/05) Assigned matter:

Bill "An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements"

S.P. 338 L.D. 998

Tabled - February 24, 2005, 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/15/05) Assigned matter:

Bill "An Act To Amend the Child and Family Services and Protection Act"

H.P. 918 L.D. 1320

Tabled - March 15, 2005, by Senator **MAYO** of Sagadahoc

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

(In House, March 15, 2005, **REFERRED** to the Committee on **JUDICIARY**.)

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

RECESSED until the sound of the bell.

After Recess

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

Joint Resolution

The following Joint Resolution:

H.P. 948

JOINT RESOLUTION TO HONOR ST. PATRICK'S DAY AND TO RECOGNIZE THE IRISH CONTRIBUTION TO MAINE AND TO THE UNITED STATES

WHEREAS, St. Patrick's Day is the only national holiday of a country that is given recognition outside its native land, which indicates the Irish influence throughout the world; and

WHEREAS, over 150 years ago a massive blight struck Ireland's potato crop, which forced millions of Irish people to emigrate to escape brutal poverty and starvation, and most of those people came to America; and

WHEREAS, tens of thousands of Irish immigrants arrived in New England and so many settled in Maine that the census figures in 1850 indicated that Irish-born immigrants made up 11% to 23% of the populations of Maine cities; and

WHEREAS, within a few years of their arrival in the United States and in Maine, the Irish immigrants became part of American society and, while preserving the best of their own culture, dedicated themselves to helping build this nation and this State; and

WHEREAS, the proud history of the Irish in America goes back to colonial times and there have been notable Americans with Irish ancestry from the Revolutionary War to modern times, including recent presidents John Fitzgerald Kennedy and Ronald Reagan; and

WHEREAS, the tradition of celebrating St. Patrick's Day is now a happy annual event no matter what one's heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature, now assembled in the First Regular Session, encourage the celebration of St. Patrick's Day, recognize the valuable contribution to our State and to our nation by all Irish-American citizens, and urge the citizens of the State to commend and celebrate the integrity and richness of this culture.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

The Following Communication: S.P. 427

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 9, 2005

Sen. Arthur F. Mayo
Senate Chair, Joint Standing Committee on Health and Human Services
Rep. Hannah Pingree
House Chair, Joint Standing Committee on Health and Human Services
122nd Legislature
Augusta, ME 04333

Dear Senator Mayo and Representative Pingree:

Please be advised that Governor John E. Baldacci has nominated Robert McAfee of Portland for reappointment as a member of the Board of Directors of Dirigo Health.

Pursuant to Title 24-A M.R.S.A. §6904, this nomination will require review by the Joint Standing Committee on Health and Human Services.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

In Senate, March 15, 2005, **READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Comes from the House, **READ** and **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect Small Forest Landowners"
H.P. 954 L.D. 1368

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

On motion by Senator **NUTTING** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase Funding for Meals on Wheels Program"
H.P. 931 L.D. 1348

Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates (EMERGENCY)

H.P. 955 L.D. 1369

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL 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 Papers

Bill "An Act To Establish the Office of the Small Business Ombudsman"
H.P. 935 L.D. 1352

Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities (EMERGENCY)

H.P. 941 L.D. 1358

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

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release"
H.P. 939 L.D. 1356

Bill "An Act To Improve the Management and Safety of State Correctional Facilities"
H.P. 943 L.D. 1360

Bill "An Act Regarding the Maine Criminal Justice Academy"
H.P. 945 L.D. 1362

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting"
H.P. 932 L.D. 1349

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

On motion by Senator **MITCHELL** of Kennebec, **REFERRED** to the Committee on **EDUCATION AND CULTURAL 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 Papers

Bill "An Act Regarding the Office of Substance Abuse"
H.P. 933 L.D. 1350

Bill "An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center"

H.P. 942 L.D. 1359

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

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Promote Nonconsumptive Use of Maine's Fish and Wildlife Resources"

H.P. 927 L.D. 1344

Resolve, Directing the Department of Inland Fisheries and Wildlife To Prepare an Implementation Plan for Recommendations That Were Based on a Review of the Department

H.P. 934 L.D. 1351

Bill "An Act To Change the Membership of the Inland Fisheries and Wildlife Advisory Council"

H.P. 956 L.D. 1370

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights

H.P. 958 L.D. 1372

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Require Employers and Employees To Provide a 2-Week Notice before Terminating Employment"

H.P. 929 L.D. 1346

Bill "An Act To Allow Certain School Employees To Collect Unemployment"

H.P. 936 L.D. 1353

Bill "An Act To Enhance Workplace Safety and Health through Substance Abuse Testing and Treatment"

H.P. 944 L.D. 1361

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To End the Influence of Special Interest Money in Campaign Financing"

H.P. 928 L.D. 1345

Bill "An Act To Prohibit Unfair Charges in Mobile Home Parks"

H.P. 938 L.D. 1355

Bill "An Act To Provide Additional Funding for Prescription Drugs for Maine's Elderly"

H.P. 957 L.D. 1371

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

On motion by Senator **GAGNON** of Kennebec, **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 Papers

Bill "An Act To Amend the Procedure for Auditing Municipalities"
(EMERGENCY)

H.P. 937 L.D. 1354

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Provide for the Popular Election of the Constitutional
Officers and the State Auditor

H.P. 940 L.D. 1357

Bill "An Act To Give Preference to Companies That Provide
Livable Wages and Health Insurance to Their Employees"

H.P. 952 L.D. 1366

Bill "An Act To Penalize Companies That Fail To Comply with
State Laws"

H.P. 953 L.D. 1367

Come from the House, **REFERRED** to the Committee on **STATE
AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to
the Committee on **STATE AND LOCAL GOVERNMENT** 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 Simplify Rent and Property Tax Relief"

H.P. 926 L.D. 1343

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the
Committee on **TAXATION** 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 Make Supplemental Highway Allocations for the
Expenditures of State Government and To Change Provisions of
the Law Necessary to the Proper Operations of State
Government for the Fiscal Years Ending June 30, 2006 and June
30, 2007" (EMERGENCY)

H.P. 946 L.D. 1363

Comes from the House, **REFERRED** to the Committee on
TRANSPORTATION and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the Public Utilities Commission To Amend Its
Rules Governing Net Energy Billing

H.P. 930 L.D. 1347

Bill "An Act To Implement Emergency Medical Dispatch Services
for E-9-1-1 Calls"

H.P. 959 L.D. 1373

Come 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

House Paper

**Pursuant to Statute
Department of Audit**

The **Department of Audit**, pursuant to the Maine Revised
Statutes, Title 36, section 1604 asked leave to report that the
accompanying Bill "An Act To Establish Municipal Cost
Components for Unorganized Territory Services To Be Rendered
in Fiscal Year 2005-06" (EMERGENCY)

H.P. 947 L.D. 1364

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

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **REFERRED** to the Committee on **TAXATION** and
ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the
Committee on **TAXATION** and ordered printed pursuant to Joint
Rule 218, in concurrence.

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

Senator **PLOWMAN** 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 **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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

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

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, March 22, 2005, at 10:00 in the morning.