

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

In Senate Chamber
Thursday
March 16, 2006

Senate called to order by President Pro Tem Paul T. Davis, Sr. of Piscataquis County.

Prayer by Reverend Frank J. Murray, Sacred Heart, Saint Louis, and Saint Philip Catholic Churches of Auburn, Saint Catherine Catholic Church of Norway, Our Lady of Ransom, Mechanic Falls.

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 and You have the ability to bring us together. We pray on this eve of St. Patrick's Day, which is a time so special to so many of us, that You will give us also a measure of determination, fortitude, wisdom, and the compassion you gave St. Patrick. Let us, like St. 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 St. Patrick of Ireland be an example to us and motivate us this day with joy and happiness and may our accomplishments be blessed. We make this prayer in Your name. Amen.

Doctor of the day, William "Ed" Atlee, MD of Augusta.

Reading of the Journal of Tuesday, March 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. 810

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 21, 2006, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 529

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

March 9, 2006

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 Natural Resources has had under consideration the nomination of Richard A. Gould of Greenville, for appointment to the Board of Environmental Protection.

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	Cowger of Kennebec, Martin of Aroostook, Snowe-Mello of Androscoggin
	Representatives	9	Annis of Dover-Foxcroft, Daigle of Arundel, Duchesne of Hudson, Eberle of South Portland, Joy of Crystal, Koffman of Bar Harbor, Rosen of Bucksport, Wheeler of Kittery, Thompson of China
NAYS	Representative	1	Twomey of Biddeford
ABSENT		0	

Twelve members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Richard A. Gould of Greenville, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

S/Theodore Koffman
House Chair

READ and **ORDERED PLACED ON FILE.**

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

The Following Communication: S.C. 528

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

March 9, 2006

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 Natural Resources has had under consideration the nomination of M. Wing Goodale of Gorham, for appointment to the Board of Environmental Protection.

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	Cowger of Kennebec, Martin of Aroostook, Snowe-Mello of Androscoggin
	Representatives	10	Annis of Dover-Foxcroft, Daigle of Arundel, Duchesne of Hudson, Eberle of South Portland, Joy of Crystal, Koffman of Bar Harbor, Rosen of Bucksport, Wheeler of Kittery, Thompson of China, Twomey of Biddeford
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 M. Wing Goodale of Gorham, for appointment to the Board of Environmental Protection be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

The Following Communication: S.C. 527

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

March 9, 2006

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 Natural Resources has had under consideration the nomination of Nancy C. Ziegler of South Portland, for reappointment to the Board of Environmental Protection.

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	Cowger of Kennebec, Martin of Aroostook, Snowe-Mello of Androscoggin
	Representatives	10	Annis of Dover-Foxcroft, Daigle of Arundel, Duchesne of Hudson, Eberle of South Portland, Joy of Crystal, Koffman of Bar Harbor, Rosen of Bucksport, Wheeler of Kittery, Thompson of China, Twomey of Biddeford
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 Nancy C. Ziegler of South Portland, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 526

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

March 9, 2006

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 Natural Resources has had under consideration the nomination of Ernest W. Hilton of Starks, for reappointment to the Board of Environmental Protection.

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	Cowger of Kennebec, Martin of Aroostook, Snowe-Mello of Androscoggin
	Representatives	10	Annis of Dover-Foxcroft, Daigle of Arundel, Duchesne of Hudson, Eberle of South Portland, Joy of Crystal, Koffman of Bar Harbor, Rosen of Bucksport, Wheeler of Kittery, Thompson of China, Twomey of Biddeford
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 Ernest W. Hilton of Starks, for reappointment to the Board of Environmental Protection be confirmed.

Signed,

S/Scott W. Cowger
Senate Chair

S/Theodore Koffman
House Chair

READ and ORDERED PLACED ON FILE.

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

The Following Communication: S.C. 531

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

March 10, 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. 1978 An Act To Amend the Maine State Grant Program

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

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 532

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

March 10, 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 bill out "Ought Not to Pass":

L.D. 1808 An Act To Streamline MaineCare Billing

We have also notified the sponsor and cosponsors 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. 534

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

March 10, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1811 An Act Regarding Child Custody Evaluations

L.D. 1837 An Act To Protect Retirement Funds

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

Sincerely,

S/Sen. Barry J. Hobbins
Senate Chair

S/Rep. Deborah Simpson
House Chair

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

The Following Communication: S.C. 533

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

March 10, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1440 An Act To Encourage the Implementation of High-speed Internet Access in Rural and Isolated Areas

L.D. 1858 An Act To Improve Cell Phone Service in the State

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.**

The Following Communication: S.C. 530

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

March 14, 2006

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

Dear Madam President and Mr. Speaker,

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Development Foundation under the State Government Evaluation Act. In its review, the Committee found that the Authority is operating within its statutory authority.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy Smith
House Chair

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

The Following Communication: H.C. 401

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

March 14, 2006

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

Dear Secretary O'Brien:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY)(H.P. 1027) (L.D. 1464).

Representative SAMPSON of Auburn
Representative HOGAN of Old Orchard Beach
Representative THOMAS of Ripley

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

SENATE PAPERS

Bill "An Act To Make Adjustments to the Allagash Wilderness Waterway"

S.P. 811 L.D. 2077

Sponsored by Senator MARTIN of Aroostook. Cosponsored by Representative JACKSON of Allagash and Senators: BARTLETT of Cumberland, BRYANT of Oxford, CLUKEY of Aroostook, DAMON of Hancock, DAVIS of Piscataquis, DOW of Lincoln, GAGNON of Kennebec, HASTINGS of Oxford, NUTTING of Androscoggin, PLOWMAN of Penobscot, RAYE of Washington, SCHNEIDER of Penobscot, SULLIVAN of York, Representatives: ASH of Belfast, BEAUDETTE of Biddeford, BLANCHARD of Old Town, BOWLES of Sanford, CARR of Lincoln, CEBRA of Naples, CHURCHILL of Washburn, CLARK of Millinocket, COLLINS of Wells, CRESSEY of Cornish, DAIGLE of Arundel, DRISCOLL of Westbrook, DUGAY of Cherryfield, EDGECOMB of Caribou, FAIRCLOTH of Bangor, FARRINGTON of Gorham, FISCHER of Presque Isle, GERZOFKY of Brunswick, GROSE of Woolwich, HOGAN of Old Orchard Beach, HUTTON of Bowdoinham, JOY of Crystal, LANSLEY of Sabattus, LUNDEEN of Mars Hill, MARRACHÉ of Waterville, MAZUREK of Rockland, MCKENNEY of Cumberland, McLEOD of Lee, MILLETT of Waterford, MILLS of Farmington, MOODY of Manchester, PARADIS of Frenchville, PATRICK of Rumford, PILON of Saco, RICHARDSON of Carmel, ROBINSON of Raymond, SAVIELLO of Wilton, SHERMAN of Hodgdon, SMITH of Van Buren, TARDY of Newport, THOMAS of Ripley, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, WHEELER of Kittery.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Ensure the Availability of Public Drinking Water Supplies"

S.P. 809 L.D. 2070

Sponsored by Senator WESTON of Waldo. Cosponsored by Representative BOWLES of Sanford and Senators: ANDREWS of York, SULLIVAN of York, Representatives: BABBIDGE of Kennebunk, BISHOP of Boothbay, MOULTON of York, PINGREE of North Haven, ROSEN of Bucksport, WHEELER of Kittery.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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

ORDERS

Joint Resolution

On motion by Senator **HOBBS** of York (Cosponsored by Representative **SIMPSON** of Auburn and Senator: **ROTUNDO** of Androscoggin, Representative: **KOFFMAN** of Bar Harbor), the following Joint Resolution:

S.P. 807

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK, MARCH 12 - 18

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 2006 participation by nonjournalism groups is growing, with national and local forums already planned by civic groups, libraries and open government and freedom of information groups, as well as by student media; and

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

WHEREAS, these issues are important in the State of Maine, where public access issues emerge all the time; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in Second 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 12-18, 2006 and that we confirm the basic principles of an open and accessible government in a free society, and we urge all citizens to join in this observance.

READ.

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

Senator **HOBBS**: Thank you, Mr. President, men and women of the Senate. Last year about this very time I was pleased to stand before you to present a Joint Resolution honoring the first National Sunshine Week. This year I am pleased to once again present to you a Joint Resolution honoring Sunshine Week. The public must have unfettered access to government and the activities of those in charge. Valuing the importance of access to public records and proceedings to a strong democracy, the Maine Legislature was the first in the nation to enact a freedom of access law more than four decades ago. As other countries around the world continue to model a democratic form of government after our government we must continue to serve as a role model to show the world that government and the democratic process can be open and accessible to both the public and the press. It gives me great pleasure to present this Joint Resolution recognizing Sunshine Week. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO**: Thank you, Mr. President, men and women of the Senate. As the Senate Chair of the Freedom of Access Advisory Committee I, too, want to recognize that this is Sunshine Week and call attention to the fact that Maine was one of the first states in the country to pass a public access law, which is designed to guarantee open meetings and access to public records. At a time when other states have been retreating from their commitment to more open government, Maine passed a far-reaching law in recent years that will significantly strengthen our FOA law. Transparency in government is critical to a strong democracy. This resolution gives us the opportunity to reflect on that fact as well as our role as legislators in making the government's work open and accessible to the people that we serve. Thank you.

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level III, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1405 L.D. 2003

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level IV, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1406 L.D. 2004

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level II, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1407 L.D. 2005

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level IV Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1408 L.D. 2006

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Assisted Living Programs, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1409 L.D. 2007

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions Level I, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1410 L.D. 2008

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level I Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1411 L.D. 2009

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level II Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1412 L.D. 2010

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Level III Residential Care Facilities, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1413 L.D. 2011

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Real Estate Appraiser Licensing To Comply with Federal Law" H.P. 1360 L.D. 1919

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-810)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)**.

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

READ ONCE.

Committee Amendment "A" (H-810) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Discrimination against Persons without Health Insurance"

H.P. 597 L.D. 846

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-816)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-816)**.

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

READ ONCE.

Committee Amendment "A" (H-816) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and Human Services"

H.P. 1096 L.D. 1555

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-815)**.

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

READ ONCE.

Committee Amendment "A" (H-815) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Commissioner of Health and Human Services To Develop Strategies To Keep Senior Citizens Safe from Falls

H.P. 1214 L.D. 1707

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-814)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**.

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

READ ONCE.

Committee Amendment "A" (H-814) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Permanency Guardians"

H.P. 1292 L.D. 1852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-817)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-817)**.

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

READ ONCE.

Committee Amendment "A" (H-817) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update Licensing and Certification Requirements for Child Care Facilities and Family Child Care Providers"

H.P. 1327 L.D. 1887

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-813)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813)**.

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

READ ONCE.

Committee Amendment "A" (H-813) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Smelt Dipping in Long Lake in Arostook County"

H.P. 1253 L.D. 1813

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-806)**.

Signed:

Senators:

BRYANT of Oxford
PERRY of Penobscot

Representatives:

WATSON of Bath
LUNDEEN of Mars Hill
SAVIELLO of Wilton
MOODY of Manchester
JACKSON of Allagash

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro
CEBRA of Naples
RICHARDSON of Greenville
RICHARDSON of Carmel
SYKES of Harrison

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-806)**.

Reports **READ**.

On motion by Senator **BRYANT** of Oxford, **TABLED** 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Improve Water Monitoring at Clam Flats" (EMERGENCY)

H.P. 1268 L.D. 1828

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-784)**.

Signed:

Senators:

DAMON of Hancock
SULLIVAN of York
ANDREWS of York

Representatives:

PERCY of Phippsburg
FLETCHER of Winslow
EMERY of Cutler
DUGAY of Cherryfield
ASH of Belfast
EDER of Portland
KAELIN of Winterport
ADAMS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-785)**.

Signed:

Representative:

CRESSEY of Cornish

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784)**.

Reports **READ**.

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-784) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

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

Off Record Remarks

Senator **WOODCOCK** of Franklin 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.

Divided Report

Eleven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Substance Abuse Rehabilitation Services"

H.P. 1315 L.D. 1875

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-818)**.

Signed:

Senators:

MAYO of Sagadahoc
MARTIN of Aroostook
ROSEN of Hancock

Representatives:

PINGREE of North Haven
GROSE of Woolwich
BURNS of Berwick
MILLER of Somerville
WEBSTER of Freeport
SHIELDS of Auburn
CAMPBELL of Newfield
LEWIN of Eliot

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-819).**

Signed:

Representative:

GLYNN of South Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representative:

WALCOTT of Lewiston

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Report "A" **Ought To Pass as Amended by Committee Amendment "A" (H-818).**

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818).**

Reports **READ.**

On motion by Senator **MAYO** of Sagadahoc, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-818) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-818) **READ and ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **STRIMLING** for the Committee on **LABOR** on Bill "An Act To Assist Maine Military Families" (EMERGENCY)
S.P. 664 L.D. 1747

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-492).**

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

READ ONCE.

Committee Amendment "A" (S-492) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Require the Maine State Retirement System To Divest Itself of Certain Holdings"

S.P. 675 L.D. 1758

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-493).**

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Allagash
HALL of Holden
HUTTON of Bowdoinham
TUTTLE of Sanford
HAMPER of Oxford
CLARK of Millinocket

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

Signed:

Representatives:

DUPREY of Hampden
CRESSEY of Cornish

Reports **READ.**

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Mr. President. I quote, 'During the Holocaust Allied leaders turned down repeated pleas to bomb the Nazi extermination camps. The same paralysis occurred as Rwandans were being slaughtered in 1994 and much the same has been true of the western response to the Armenian genocide of 1915, the Cambodian genocide of the 1970's, and the Bosnian

massacre of the 1990's. In each case we have wrung our hands afterwards and offered the lame excuse that it all happened too fast or that we didn't fully comprehend the carnage when it was still underway. Now the same tragedy is unfolding in Darfur.' That was written by Nicholas Kristof in the January 21st edition of the New York Times Review of Books.

Distinguished members of the Senate, I stand before you today and ask for your support of L.D. 1758, An Act to Require the Maine State Retirement System to Divest Itself of Certain Holdings. In a nutshell, L.D. 1758 requires the Maine State Retirement System to divest all its holdings, approximately \$50 million, of its \$9 billion portfolio from companies doing business in Sudan. Some may ask, 'Why are asking us, the State of Maine, to deal with an issue that effects people over 10,000 miles away when we have so many problems here at home?' Well, beyond the fact that genocide must be confronted from every corner possible, I introduced this bill because it is our Maine residents who are losing their loved ones every day. This is not some far away war that doesn't touch our state. In fact, in Portland we have the largest percentage of Darfures for the size of our population in the country. In the Labor Committee we heard from many of them in our hearing on this legislation last month and some of them are here today in the chamber.

Here is another quote from the same article mentioned above. 'On one of the first visits to Darfur I came across an oasis along the Chad border where several tens of thousands of people were sheltering under trees after being driven from their home villages. Under the first tree I found a man who had been shot in the neck and the jaw. His brother, shot only in the foot, had carried him for 49 days to get to this oasis. Under the next tree was a widow whose parents had been killed and stuffed in the village well to poison the local water supply and then the Janjaweed militia, which is the government backed militia, had tracked down the rest of her family and killed her husband. Under the third tree was a four-year-old orphan girl carrying her one-year-old baby sister on her back; their parents had been killed. Under the fourth tree was a woman whose husband and children had been killed in front of her, and then she was gang-raped and left naked and mutilated in the desert.' Here is a quote from a young man who hid under a dead mule and was the only survivor in his family. 'The attackers took a knife and cut my mother's throat and threw her into the well. Then they took my older sister and began to rape her one by one. My father was kneeling, crying and begging them for mercy. After that they killed my brother and finally my father. They then threw all the bodies in the well.'

While the United States has been pushing for a strong UN response to Darfur, the Security Council has only passed weak resolutions with no real threat of sanctions or military response although they did declare Darfur the worst humanitarian crisis in the world today. The US Congress also passed a unanimous resolution labeling the situation in Darfur genocide. Both President Bush and Secretary of State Colin Powell have also declared it genocide. If there is a threshold for divestment genocide certainly crosses that line. You ask, 'What will divestment do?' Divestment will affect the revenue that the government receives. The government has used the funds it receives to purchase Russian migs which have been used in the attacks in Darfur and to arm the Janjaweed. The Darfures receive no benefits from the central government, but more significantly their destruction is partially enabled by the wealth of the government. I ask my colleagues to please join the Majority

Ought to Pass report and join the states of Illinois, New Jersey, Oregon, Louisiana, and Arizona by supporting this vital piece of legislation. Twelve additional states have or will be introducing similar legislation this year. As Maine did in the 1980's, when we passed legislation to divest from South Africa and Ireland, our attention must turn to the region that now needs our assistance, but most importantly Maine people need our help so their families can be protected. Thank you, Mr. President.

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

READ ONCE.

Committee Amendment "A" (S-493) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House As Amended

Bill "An Act To Allow Qualified Health Centers To Obtain Telecommunications Education Access Funding"

H.P. 470 L.D. 637
(C "A" H-740)

Bill "An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee"

H.P. 1216 L.D. 1709
(C "A" H-792)

Bill "An Act To Make Revisions to the Maine Revised Statutes Relating to Agriculture"

H.P. 1227 L.D. 1720
(C "A" H-805)

Bill "An Act To Promote Recycling of Cellular Telephones"

H.P. 1280 L.D. 1840
(C "A" H-800)

Bill "An Act To Permit Supplemental Environmental Projects for Forest Practices Violations"

H.P. 1303 L.D. 1863
(C "A" H-804)

Bill "An Act To Eliminate Administrative Preliminary Hearings for Probationers"

H.P. 1308 L.D. 1868
(C "A" H-796)

Bill "An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters"

H.P. 1312 L.D. 1872
(C "A" H-798)

Senate at Ease.

Bill "An Act Amending the Animal Welfare Laws"
H.P. 1321 L.D. 1881
(C "A" H-774)

Senate called to order by
President Pro Tem **PAUL T. DAVIS, SR.**
of Piscataquis County.

Bill "An Act To Improve the Prisoner Telephone System"
(EMERGENCY)
H.P. 1324 L.D. 1884
(C "A" H-793)

Off Record Remarks

Bill "An Act To Amend Certain Laws Administered by the
Department of Environmental Protection"
H.P. 1328 L.D. 1888
(C "A" H-801)

Senator **WOODCOCK** of Franklin was granted unanimous
consent to address the Senate off the Record.

Bill "An Act Concerning Energy Conservation in Schools"
H.P. 1343 L.D. 1902
(C "A" H-791)

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

Bill "An Act To Require That the Costs Associated with Enacting a
Direct Initiative Appear on the Ballot"
H.P. 1357 L.D. 1916
(C "A" H-797)

Off Record Remarks

Bill "An Act To Prevent Dangerous Commercial Drivers on
Maine's Highways"
H.P. 1367 L.D. 1950
(C "A" H-770)

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

Bill "An Act To Create a Tiered Wholesale Seafood Dealer's
License" (EMERGENCY)
H.P. 1373 L.D. 1961
(C "A" H-802)

Off Record Remarks

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

The President Pro Tem requested the Sergeant-At-Arms escort
the Senator from Cumberland, Senator **EDMONDS** to the rostrum
where she resumed her duties as President.

Senate As Amended

The Sergeant-At-Arms escorted the Senator from Piscataquis,
Senator **DAVIS** to his seat on the floor.

Bill "An Act Providing Procedures To Protect Members upon
Redesign of the MaineCare Program"
S.P. 142 L.D. 444
(C "A" S-486)

Senate called to order by the President.

Bill "An Act To Make Technical Changes to the Gambling Laws"
S.P. 665 L.D. 1748
(C "A" S-488)

Off Record Remarks

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**,
pursuant to the Joint Order, to Tuesday, March 21, 2006, at 10:00
in the morning.

Sent down for concurrence.

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